SOUTH ATLANTIC QUARTERLY

CONTEXTS

CREDIT CONTROL AND THE STOCK MARKET Benjamin Ulysses Ratchford	1
CONSTITUTIONAL GROWTH UNDER THE FOURTEENTH AMENDMENT Winthrop M. Daniels	16
Two Roads to Rome; An Essay in Distinction Edwin R. Clapp	35
THE LOVE OF SOLITUDE IN EIGHTEENTH CENTURY POETRY Abbott C. Martin	48
Origins of New England Protestantism in New Orleans Julie Koch	60
THE ECONOMIC BACKGROUND OF SOUTHERN POPULISM	77
Book Reviews	92

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Contents of Last Two Numbers

Number 3, July, 1929

aramora of a my a read
The Future of the Democratic Party
Lincoln in the Rôle of DictatorJames G. Randall
The League of Nations and the Saar
Barrie's Dual Personality
Sir John Randolph-Illustrious Uncle
Dante for Today
The Daily and Weekly Press of England in 1861
Book Reviews

Number 4, October, 1929

Stepping Stones Toward Industrial Stability
Rural Standards of Living Caroline B. Sherman
The Age of Pericles: An Interpretation
The National Democrats in South Carolina, 1852 to 1860
Charles W. Read, Confederate Von Luckner
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The

South Atlantic Quarterly

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JANUARY, 1930

Number 1

CREDIT CONTROL AND THE STOCK MARKET

BENJAMIN ULYSSES RATCHFORD Duke University

AFTER such a crash in stock prices as occurred during last October and November, it is interesting to analyze the credit and financial conditions which preceded the break in order to see what bearing they had on market conditions. A study of the recent decline is of especial interest, not only because it came after several years of unprecedented speculation and was unusually wide in extent, but also because it marked the culmination of a fierce struggle for the control of the credit system of the country that had been going on for more than a year. That struggle was between the Federal Reserve System and the orthodox banking organization on the one side, and an independent credit system made up of large industrial corporations, finance companies, investment trusts, and many like institutions, on the other. This independent credit system has sprung up in recent years because of important changes that have taken place in the credit conditions in the financial world and, like most new credit systems, has been without adequate credit control. It became so strong that it came to control a large part of our credit resources and, being without control itself, induced what we may call an immense specialized inflation of credit in the stock market. The result was the same as that which follows every period of inflation: a crash in which market values disappeared with amazing rapidity. Let us inquire into some of the elements of that independent system and some of the episodes in the credit battle.

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One division of the new credit system is that which is known to the public as instalment purchasing, to the economists as instalment selling. In recent years there have been great increases in the extent of instalment business and great changes in the technique of financing such business. Large finance companies, which are essentially banking institutions in their nature,¹ extend credit that mounts up into billions of dollars every year to accommodate instalment sales. These finance companies are not subject to any banking regulations or restrictions nor to any form of credit control. The results have been that consumption credit has been extended in this field much further than would have been the case under orthodox banking, and manufacturers and dealers have been able to withdraw funds that would otherwise have been tied up in time sales and to use them in other fields, especially on the call

money market.

The credit extended by these finance companies is a part of the general credit system, and must have its effects on that system. It complicates an already elaborate credit structure. and, since it is not subject to any form of control, might be the source of trouble in the event of a general credit stringency. Also, the extent of instalment sales must be significant in its relation to general business conditions. In recent years much importance has been attached to inventories of goods as an indicator of business conditions, and any unusual increase in this factor has been regarded as a danger signal. May we not say that, to a considerable extent, the volume of instalment sales has the same relation to business conditions? If we may call the goods on the shelves of the merchants unconsumed goods, we may say that those sold on the instalment plan are undigested goods, and may be, in proportion to their extent, just as potent a factor as the former in prolonging a depression. In the case of unsold goods, prices can be cut in order to move them, but with goods already sold there can be no price cutting, and hence a longer period must be required for readjustments. Space does not permit of a more elaborate analysis here, but certainly we can say that a large volume of instalment credit would tend to retard the recovery of business in the event of a serious depression.

¹ Seligman, E. R. A., The Economics of Instalment Selling, Harper & Bros., Vol. I, p. 84.

Another great change in our credit system has occurred in the methods of financing business enterprises. In this field the tendency has been away from dependence on banks for the raising of short term or working capital, and toward the raising of all capital funds by selling securities directly to the public. Instead of relying on bank loans for working capital, many enterprises have obtained enough capital from security issues to meet their peak demands and used the surplus in slack seasons on the call money market or in other financial operations, which operations, incidentally, are of a banking nature. This great change is clearly shown in the nature and extent of corporate financing in this country in recent years. The stocks of railroad and industrial corporations of the United States listed on the New York Stock Exchange increased from 424,112,950 shares on January 1. 1925, to 737,793, 871 shares on January 1, 1929-an increase of 313.680.921 shares, or 71%, in four years. During the same period the market value of these stocks rose from \$26,-512,224,000 to \$66,079,345,000—an increase of \$39.567.121,-000, or 149.2%.2 From the record of new capital flotations in the United States as kept by The Commercial and Financial Chronicle, we find that during the period 1919-1924 the flotations of new capital issues by corporations8 varied between \$2,390,907,811 in 1921 and \$3,838,571,064 in 1924. Since 1924 the flotations have averaged over \$7,000,000,000 per annum.4

Even greater than this change in the volume of corporate financing has been the change in its nature. Stocks now represent a far greater proportion of all securities than they did ten years ago. In contrast with the 71% increase in corporate stocks listed on the New York Stock Exchange as noted above, the par value of the bonds of those same corporations increased only \$2,196,080,000, or 15.1% during the period from January 1, 1925 to January 1, 1929. An analysis of the figures of The Commercial and Financial Chronicle shows that

^a President's Reports, New York Stock Exchange. ^a This class excludes governmental and farm loan financing but includes foreign corporations.

The Commercial and Financial Chronicle, Vol. 128, pp. 316-317, 1034-1035.

the ratio of stocks to bonds and notes in the new capital flotations of the ten years, 1919-1928, averaged 0.475:1. The figures for 1919 were 1.33:1; for 1921, 0.13:1; for 1928, 0.85:1. For the first seven months of 1929 the ratio was 1.84:1. This analysis reveals the fact that only twice during this period did the value of stock flotations exceed that of bonds and notes. The first was during the feverish days of inflated credit, high stock prices, and over expanded business in 1919, just before the severe reaction and depression of 1920-1921. The second time was during the first part of 1929, just before the recent severe decline. With that decline, new issues of securities disappeared almost entirely. We may expect that when security issues again appear in volume, the ratio of stocks to bonds and notes will show a great change, one back toward the normal of the past several years.

No one who is well acquainted with financial practices would condemn, per se, the practice of financing industry by stock issues. Used judiciously and in moderation, it is commendable and tends to produce a more stable financial structure. But stocks are a favorite instrument of speculation, and extensive, long continued speculation, producing high stock prices, always calls out large supplies of new stocks. As a possible indicator of such speculation, any undue increase in

stock issues might well be regarded with suspicion.

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There are a great many interesting and bewildering phases to this great change in the methods of financing business, but we can consider only a few of them here, and those only briefly. First, what were the causes of the change? Basically, on the part of those who manage industry, there has always been the desire to free themselves from banker control and advice, and to secure funds directly from the public without limitations or restrictions. When the opportunity of doing this presented itself in the form of large business units with national reputations and credit, high stock prices, and ample opportunity for the employment of funds temporarily idle, the business men were quick to take ad-

vantage of it. On the other side of the market—the buyers' side-many factors have been at work to create a strong demand for stocks and to produce the high stock prices which led to this change. Several years of business prosperity, easy credit conditions induced by heavy importations of gold and an easy Federal Reserve credit policy, and the redemption of the public debt by the federal government at the rate of almost a billion dollars per year—these have all helped to produce an abundance of funds available for stock purchases. The various extra-banking, financial, and credit institutions to be mentioned later have further increased these funds. The disposition of the public to buy stocks was greatly aroused by the program of popular financing during the World War. That taste was further whetted by the great emphasis that has recently been put on stocks as long term investments, by the realization of the possibilities of speculation in a rising market, and by the formation of hundreds of investment These latter have greatly extended the scope of popular financing by making it possible for the person of limited means to buy securities and by promising him a high degree of safety with large returns through the magic of diversification. These trusts buy heavily of common stocks. and often directly from the issuing company; thus they have been an important factor in increasing the demand for stocks and in building up the independent credit system.

Another factor has been the policy of smaller inventories by business enterprises. An investigation of forty important companies shows that between 1921 and 1927 a 70% increase in sales was handled with an increase of only 26% in inventories.⁵ This has been due to faster and more reliable transportation and to more efficient analysis and administration of business. This policy, while cutting down the demands of business enterprises for working capital and hence helping to free them from dependence on the banks, has also increased the funds which may be used for other purposes, many of which have gone into brokers' loans. The increasing concen-

^a Ivan Wright in The Analist, Sept. 21, 1928, p. 431.

tration of business into larger units has further accentuated this feature. The larger units make the surplus funds more flexible and more readily available for various kinds of financial operations, because they are concentrated into one sum, at one place, under the control of one company. Some of the chain stores have gone so far as to have their branches wire extra funds to New York daily, so as to have them available

for call loans or other purposes.

Another phase of the new methods of financing is that of brokers' loans, especially those designated as "For the account of others." This latter class of loans is entirely outside of any bank control. The funds are furnished either by individuals or by non-banking institutions and corporations, and are loaned either without the aid of banks or by banks acting merely as agents. This class of loans has increased greatly in importance in recent years, and now make up the major part of all brokers' loans. The total of all brokers' loans reported by the Reporting Member Banks of New York City increased from \$2,778,000,000 in January, 1927 to \$6,804,-000,000 on October 2, 1929. Loans for account of others increased in the same period from \$741,000,000 to \$3,907,-000,000. Thus in this brief period of less than three years total loans increased 145%, while loans for others increased 427%. In January, 1927 the loans for others represented 26.7% of the total, while in October, 1929 they represented 57.4%; in other words, their relative importance had more than doubled. There is another element in brokers' loans which is not directly subject to centralized control, the loans for out-of-town banks. This class of loans amounted to \$1,826,000,000 on October 2, 1929. Many of the banks furnishing the funds for such loans are not members of the Federal Reserve System, and can be affected only indirectly by central bank policies.

It has been contended by those who would justify the present conditions that the importance of brokers' loans has been overemphasized; that they are so small in comparison to the total amount of credit in the country that they can never seriously affect the credit situation. But there are two rea-

sons why the sum of brokers' loans assumes an importance far beyond what the actual figures would imply. In the first place, such loans constitute in may ways the marginal element in our credit system. Two million workers would make a comparatively small group in relation to all the workers in the country, but the sudden entrance of such a number of additional workers into our economic and industrial organization would seriously disrupt the wage and employment situation. In the same way, six or seven billions of dollars in brokers' loans may mean the difference between normal credit conditions and inflation. From the nature of these loans we may say that there are seven billions of dollars in uncontrolled credit which is not needed in the daily operations of the various banks, corporations and individuals which own it, and which may be shifted on an hour's notice from one field of operations to another. These funds constitute, so to speak, the reserve troops—the manoeuvering forces—of the generals of inflation. It must be admitted that such a situation is a potential source of danger. Since this is a marginal element, we may expect it to fluctuate violently. That such is the case is shown by its phenomenal growth during the past three years and its wide fluctuations from week to week during the recent decline. Such an unstable element in our system, then, even if it attains only moderate proportions, may, by its violent fluctuations, shake the whole system.

The other especially important characteristic of brokers' loans is their rapidity of turnover. Undoubtedly the velocity with which money or credit circulates is a factor almost, if not entirely, as important as the amount of such money or credit, insofar as price determination is concerned. From the nature of the employment of brokers' loans; i.e., in speculative transactions, and from the various practices and devices of expediting credit transactions that exist in the financial district, we should expect such loans to have a very rapid turnover, and this has been shown to be true. Thus a given amount of credit in brokers' loans will have much greater in-

⁶ See article by C. B. Hoover, "Velocity of Turnover of Brokers' Loans," in The Analist, Nov. 30, 1928, p. 851.

flationary influence than the same amount of credit in any other field.

Also characteristic of the new financial methods is the enormous growth of finance companies of all kinds. We have already mentioned the growth of the instalment finance companies. The investment trusts, also, have been started and have experienced an enormous growth during the past few years. In addition, there has been a great increase in semiinvestment trusts, investment banks, holding companies, and various other institutions that conduct financial operations of different kinds. Some of these have been organized independently, others have grown up as adjuncts to banks or trust companies, and others have been organized by large industrial or manufacturing companies. The purpose for which these institutions have been organized are as varied as their forms, but there are certain traits common to the most of them. They perform some banking functions without being subject to any banking or financial regulations. They usually aim to collect rather than to produce profits, and are a very important, and often a dominant, factor in the control of business. They also complicate further an already elaborate and complicated credit and financial structure.

These institutions have sprung up like mushrooms in recent years, and have come to control a vast amount of capital. Of 85 investment trusts, with a total invested capital of \$521,000,000, covered in a report by Grover O'Neil & Co. of New York, in 1928, seventy-two were organized in the four years, 1925-28. An analysis of security flotations further emphasizes the spectacular rise of this general type of financial institution. In its classification of corporations, a leading authority places these companies in the miscellaneous group. During the first part of 1929 the financial companies were floating about two-thirds of the issues floated by this group. In 1925, the group floated issues to the extent of \$441,061,435, and held fifth place in a series of eleven groups; in 1928 the flotations were \$1,676,668,305, giving it second place. For the first seven months of 1929 the group floated \$1,881,522,-

695 in securities out of the total of \$6,377,630,219, and ranked first. All of this means that this group of corporations rose, in four years, from a position of only moderate importance to the first place, and was putting more securities on the market than any other of the eleven large groups, surpassing such important groups as public utilities, railroads, iron and steel, motors and accessories, oil, etc. When we reflect that almost the entire business of these companies is made up of credit and financial operations, often consisting largely of pure loaning transactions on the call money market, we can perceive some of the possibilities and dangers of such a situation.

But probably more important than their influence on the market in a financial way was the psychological influence of the trusts. In speculative circles there was an impression that there could never be any extensive decline in stock prices because the trusts would buy heavily of stocks on moderate declines. With this fancied protection, speculators were willing to take greater chances by buying more stocks for the rise, and so prices were pushed up still higher. In view of all these factors, it would have been an exception in the field of finance if these developments had not led to excesses and inflation.

In the recent market crash the new credit system did not give a very good account of itself, and many of the new financial developments and their attendant theories crumbled with the high prices that had brought them into being. Brokers' loans melted away with terrific speed, the total showing a drop of more than two and a half billion dollars in six weeks. The interior banks and "others," frightened by the first sweeping decline, withdrew more than two billion dollars in one week. and cut their loans almost in half in six weeks. The New York City banks had to increase their loans by almost a billion dollars in that one week. If those banks had not previously pursued a conservative policy in regard to brokers' loans. they would not have been able to render this assistance, and there would have been a first rate panic. These facts should stand as a warning against the dangers of such inflation in the future.

The investment trusts proved quite a disappointment to those who had counted on them as a stabilizing factor in the market. It was demonstrated that the funds which they had available for buying securities were powerless to check the decline in prices when the speculating public became determined to dispose of its stocks. Furthermore, when it became evident that a general decline in stock prices was imminent the trusts refused to use such funds as they had, preferring to wait until prices reached the bottom before buying. At the present writing it is impossible to say just how much the trusts have been affected by the decline, but it is certain that they have suffered considerably. In the past, from one-third to two-thirds of the earnings of these companies have come from profits on the sale of securities. Now that such profits have been replaced by large losses, their income statements will tell a different story. If, in addition to this, there is a business reaction and operating companies pass their dividends, the position of the trusts will indeed be shaky.

In their capital accounts the trusts have also suffered heavily, for many of their investments were made at levels far above those prevailing now. Thus far one company with liabilities of over two and a half million dollars has failed, and unless the recovery of prices is more vigorous than can reasonably be expected, there will be others. If such failures are extensive, it will mean that the securities of the failed companies will be placed on the market and will be a factor in retarding the recovery of stock prices.

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In all of the credit changes described above, we can easily discern the attempt to avoid the limitations and restrictions that go with a centralized control of credit. In each of them there is an attempt, by some independent system of financing, to obtain credit of a different kind, at a lower rate, or in greater quantities than would be permitted by the usual banking organization. They all represent inflationism to some degree, and are a part of the modern world's great exploitation of the unknown possibilities of credit. Also, they represent.

to some extent, one of the credit problems created by the potential credit expansion made available in the Federal Reserve System. That system greatly increased the possibilities of credit expansion, and there is always a tendency for credit to expand to the limit unless held in check with a firm hand by some central body. Immediately after the creation of the Federal Reserve System, the war furnished an urgent need for the expansion of credit, and so credit was allowed to expand. This expansion took the form, first, of war financing, and, later, of commodity speculation and the excessive development of business enterprises. Following the collapse and deflation of 1920-21, credit began slowly to expand again. and by the spring of 1923 the Federal Reserve Board thought it necessary to impose the first mild credit restraints.8 But when restricted in one field, credit has a tendency to expand in another. After 1923, excessive credit expansion in the field of business was avoided because of the close connection of the banks with this field and because of the significance attached to commodity prices, inventories, and production as indices of credit conditions by the Federal Reserve Board. In other words, credit was closely regulated in this field. However, about this time we find credit inflation appearing in real estate, and we had speculation in urban real estate developments throughout the country, particularly the Florida land boom and many minor booms. At the same time expansion of credit found its way into the stock market and stock prices began to show a stronger upward tendency. With the collapse of the land booms and the quieting down of the real estate market generally, more attention and more funds were turned to the stock market, and we had the beginning of the endurance flight of stock prices.

Without passing judgment upon instalment selling, brokers' loans, and the various other new practices and institutions of our credit system as such, we should recognize the fact that they represent the growth of an important independent credit system which, in many ways, has acted exactly

⁸ Reed, H. L., "Recent Federal Reserve Policy," Journal of Political Economy, Vol. XXXVII, No. 3, June, 1929, pp. 276-284.

contrary to our central banking system. This independent system grew to such an extent and so realized its power, that for more than a year it contended with the Federal Reserve System for the control of the credit situation in the security market and in a large measure blocked all attempts of the Reserve System toward that end. More recently, one of the defenders of this new credit organization advocated a more aggressive policy and advised the financial interests of Wall Street to patronize only those institutions which do not belong to the Federal Reserve System, maintaining that that system had betrayed the financiers and that an abundant supply of

credit could be found outside the system.

To anyone familiar with American financial history, and the experience of the National Banking System in particular, the evils of an uncontrolled, decentralized credit system should be apparent. There are certain weaknesses in such a system, especially where the units are comparatively small and disconnected as they are in this country, which can be overcome only by centralized control. The fundamental motive of the ordinary institution that grants or extends credit is, of course, to make profits. Since at any given time, with any given rate of interest, the profits are directly proportional to the amount of credit extended, it is only natural that each institution should grant credit as far as safety permits. When there is a demand for credit, and when all credit granting institutions follow the above policy, it must result in the credit of a country being expanded to the limit of safety in times of prosperity, leaving no safety fund, no reserve of emergency credit, to be used in the period of financial strain that invariably follows a period of expanding credit. The usual result is a panic, similar to the many experienced in this country before 1913. And there seems to be no way in which such a condition can be avoided in a system of small. independent banking units. No one unit feels any great amount of responsibility for the general credit system, and even if it did, its attempt to stem the flood alone would be

^{*}Lawrence, J. S., Wall Street and Washington, pp. 365-366.

ruinous to itself and of no effect on the general situation. Each unit can only make as large profits as possible during prosperity, and depend on luck and foresight to get enough reserves to carry it over the strain. The only remedy is to have one central, controlling institution. That institution must either be organized without the profit motive or must be so large as to have a vital interest in the general financial situation, accept responsibility for that situation and place its responsibility above purely profit considerations. In this country the Federal Reserve System, which is not operated for the purpose of profits, was given the task of exercising a general control of credit, and for sixteen years it has done so with varying success.

But the ability to control the credit of a country depends upon having a sufficiently large part of the country's credit resources under the direct or indirect influence of one central body. In this country in recent years the share of the total credit resources controlled by the Federal Reserve System has declined considerably. This is shown by the tremendous growth in the extra-banking credit system, in contrast with the moderate increase in the banking resources of the members of the Reserve System. During the second quarter of 1929 there was actually a considerable decrease in the resources of the most important class of banks of the Reserve System-the National Banks. On June 29, 1929 the resources of all National Banks were \$1,581,684,000 less than on March 27, 1929, and \$1,068,011,000 less than on June 30, 1928.10 In view of the comparative steadiness of commodity prices, rising security prices, and the record breaking activity of business during the second quarter of 1929, we cannot believe that there was any decline in the total amount of credit in use in this country. The only other explanation for this drop of more than a billion and one-half dollars in National Bank resources is that credit is coming from other sources. All of these facts meant a decline in the effectiveness of the control policies of the Federal Reserve System.

¹⁶ The New York Times, Aug. 16, 1929.

The control of credit is a delicate, complicated problem. The successful administration of credit control requires accurate, complete, and up-to-date data on financial and business conditions; the highest degree of business ability and experience in the analyzing of that data; and good judgment, tact, and decision in formulating and carrying into effect the credit policies based on such analysis. For fifteen years or more the Federal Reserve Board has been conducting extensive and intensive investigations into banking and business conditions and perfecting means for the quick collection and analysis of the data necessary for credit control. It has tried to discover. express, and apply the fundamental principles governing the sound control of credit under present conditions. The judgment, tact, and decision shown by the Board during the past two years may not be above attack, but for the whole period of its life the Board has ranked high in these respects. Even its worst enemy must admit that the Federal Reserve System has been a success, and that its efforts at credit control in the past have been beneficial. During the past year we were confronted with conditions which set at naught the work of the Board and its trained experts and which substituted for the planned, intelligent control of credit based on a careful analysis of conditions, a credit system with no form of control, and with a strong, inherent tendency toward inflation.

For a long time the Federal Reserve System waged what appeared to be a losing fight against these conditions. At times it used new and unusual tactics which brought down upon it severe criticism. In many cases it gave evidence that it was treading on strange ground and was using weapons with which it was not familiar. Finally, through a combination of circumstances, one of which was the continual pressure of the Federal Reserve System, the extra-legal banking system reached the limit of its expansion. Stock prices were at first almost stationary, and then began to fall. Those who had been supplying the market with funds now hastily withdrew those funds and left the banks to meet the situation. The market was forcibly reminded that the banks were still in

existence and functioning. By the great advances which they made to the market during the decline, the New York banks which are members of the Federal Reserve System went far toward regaining, in a few weeks, the power and prestige in credit matters which the System had lost over a period of several years.

At the present time it may be stated definitely that the banks are in control of the credit situation and are trying to ease credit conditions in order to avert any possible business reaction which might follow the collapse of stock prices. However, the machinery of the independent credit system, though considerably battered, is still in existence, and on every rally in prices there is some talk of a renewal of pool activities and another bull market. When conditions have again quieted down, it will be interesting to watch the renewal of the fight and to see how and in what measure the orthodox banking system is able to keep the ever-elusive credit under control.

CONSTITUTIONAL GROWTH UNDER THE FOURTEENTH AMENDMENT

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THE FOURTEENTH Amendment to the Constitution was primarily intended to secure for the colored race full equality of civil rights with the whites. It is today constantly invoked by business corporations to restrain state governments from tightening their control upon industrial activities. This incongruity between the immediate purpose for which the Amendment was originally designed and the purpose for which it is currently employed deserves analysis and appraisal. Accordingly, attention is directed first, to the historical setting in which the Amendment took its rise; second, to the process by which its operation was diverted to a wholly unanticipated use; and third, to the amazing vitality of the first section of the Amendment as the most prolific source of every-day constitutional growth.

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In the beginning of 1865 the not distant collapse of the Confederacy was clearly foreseen, although Lee's actual surrender of the Army of Northern Virginia did not occur until April. In February of this year the Congress approved by the necessary two-thirds majority the submission to the states of the constitutional amendment to abolish slavery. Slavery itself had in large part disintegrated beginning two years before, as the result of Lincoln's Emancipation Proclamation of January 1, 1863.¹ The proclamation was, in essence, however, a military order issued by the Chief Executive as Commanderin-chief of the Army and Navy "in time of actual armed rebellion" and "as fit and necessary war measure for suppressing such rebellion." It practically directed the armed forces of the Union to suppress slavery in the hostile territory which they might occupy. But the proclamation did not suffice to

¹Winston, in his biography of Andrew Johnson, estimates that 200,000 slaves were freed by the Proclamation, as of the date thereof.

extirpate the institution itself. Being a mere military order, it might be terminated, and it was conceivable that the southern states might revive the slave status. Moreover, the proclamation itself, by its express terms, was not operative in those parts of the country where slavery existed, but where rebellion against the federal government did not prevail. The Proclamation carefully specifies the areas to which it did not apply, "which excepted parts," to quote its language, "are for the present left precisely as if this proclamation were not issued." Kentucky, for example, or Missouri, was quite outside its purview. In order, therefore, to make the purge universal and permanent, the Congress, in February of 1865, after approving the Thirteenth Amendment, passed it on to the States for ratification.

In December of the same year, the amendment abolishing slavery had received the approval of the requisite three-fourths of the States and was declared in force as a part of the nation's organic law. The surprising thing about its ratification is that eight of the eleven states which had seceded from the Union had voted approval,—all except Florida, Mississippi and Texas,—and this, too, under conditions when, as yet, the colored race was allowed no voice in the suffrage.

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This last-mentioned fact suggests an explanation of the nature of the state governments in the South which in 1865 had approved of the abolition of their "pet institution." President Lincoln, from the outset of the Civil War, had been bent upon re-constituting the governments of such of the seceding states as were brought within the control of the federal arms. In Louisiana, in Arkansas and Tennessee, where a substantial number of citizens was found who would pledge loyalty to the Union, he had recognized the state governments which these citizens had organized as the legal and constitutional governments of such states. After Lincoln's assassination, President Johnson followed his example in this respect. He appointed provisional governors in the other states that had seceded but were now in control of the federal forces. These provisional governors had called constitutional conventions in these states, and the conventions in turn had framed new constitutions, or had re-modeled their former state constitutions. During the summer and fall of 1865 these new constitutions had been adopted by the voters in most of the southern states, the electorate being wholly a white electorate, and thus, by the end of the year, the new state governments in the South had been launched, and had rescinded their former ordinances of secession, and, as before recited, had approved the amendment which swept away slavery throughout the Union.

However bitter or recalcitrant may have been the popular feeling in this section, there was not apparent any substantial opposition to the formal acknowledgment of the inevitable outcome of the war as regards both secession and slavery. The internal economic situation within the South after the end of hostilities was precarious. Dunning, in his Reconstruction says: "During the autumn (1865) the demoralization of the blacks resulting from their sudden freedom reached its maximum. From every part of the South came complaints that the negroes were refusing to make contracts for labor in the next planting season, and were manifesting a hope and a purpose of appropriating the land of their former masters." The practical exigency which confronted the southern state governments was to devise legislation which should accommodate the new status of the freedmen to the economic and social needs of the community. In other words, the South sought to determine. each state for itself, what modicum of civil rights the free status of the Negro appropriately required.

In general, it may be said of the legislation enacted in the southern states, that it was a substantial instalment of civil rights for "persons of color." The laws of domestic relations, involving the rights and duties of husband and wife, were extended to cover those who had previously cohabited as such. The rights to make contracts, to invoke the jurisdiction of courts of justice and, with certain reservations, to testify therein, also to acquire and convey property,—except real estate in Mississippi,—these rights were established by state law for the freedmen. It is true that there were certain restrictions imposed which did not obtain so far as the whites were concerned. Apparently, the right to serve on juries was not

conceded. Nor was the right of suffrage accorded the blacks, although it must be remembered that this is a political right, not a civil right, and that at this time only six of the Northern states granted it. In this very year Connecticut, Wisconsin and Minnesota refused to enfranchise the Negro; and two years later, in 1867, Kansas and Ohio took similar action by heavy popular majorities. Even in New York the suffrage was not granted on the same terms to whites and Negroes.

The most philosophical appraisal of the general character of this legislation in the South is that of Alexander Johnston in "Lalor's Encyclopaedia." "In many points," says he, "this species of legislation was no doubt objectionable. Taken as a whole and considered as the work of men who had within a year been absolute masters of the freedmen and who had been dispossessed of their control by war and conquest, it must be conceded that it exhibits remarkable self-control, public spirit and equity." Dunning's verdict is that this legislation "was in the main a conscientious and straight-forward attempt to bring some sort of order out of the social and economic chaos."

In addition to the statutes whose tenor is thus indicated. the legislatures of the southern states had enacted quite drastic provisions to deal with idleness and vagrancy which, as already explained, were rife among the Negroes in that section. In Virginia the law defined a "vagrant" as one who refused to work for the prevailing wages in his locality. In Mississippi Negroes without employment, or assembling unlawfully, were declared "vagrants," and were subject to arrest and fine. If the vagrant was unable to pay the fine imposed, he might be hired out by the sheriff on a basis of competitive bidding to the one who would pay the fine, and accept in return the shortest term of service from the delinquent. It is true that this same statute imposed even more severe penalties for vagrancy upon whites as regards both fine and term of imprisonment, but it did not apply the hiring out process to the white vagrant.

So careful an historian as the late Alexander Johnston has concluded that these parts of the Black Codes relating to vagrancy were the strong moving cause of apprehension among

the radicals in Congress, and that this fear of a recrudescence of something like slavery persuaded them of the necessity of the first section of the Fourteenth Amendment. A discriminating critic, no other than the editor of this Review, has suggested that this is too narrow a base upon which to rest the explanation of the action of Congress. Winston, in his recent life of Andrew Johnson, quotes a witness to the effect that in 1865 there was in Congress no discussion whatever of southern state legislation. Kendrick, in his study, The Journal of the Joint Committee of Fifteen in Reconstruction, in the chapter which reviews the testimony taken by the Committee shows that a wider range of considerations motivated the promoters of the Amendment. These included the racial animosity alleged to exist in the South against the Negro. This. it was feared, would hold him in subordination through extralegal means. Even the reputed animosity to white lovalists in the same section was doubtless an additional ground for the proposed Amendment,2

Up to this point, that is from Lincoln's assassination in April to December, 1865, President Johnson had directed the course of reconstructing the southern state governments practically without let or hindrance. Congress had adjourned on the previous March 4, and Lee's surrender followed shortly thereafter. Johnson, on his accession to the presidency, followed the reconstruction policy initiated by Lincoln, and his position as Commander-in-chief of the Union forces in the South, with no Congress on his hands for eight full months. enabled him to make rapid headway. The correspondence during this period between Thaddeus Stevens and Charles Sumner, and other radical leaders, discloses the alarm which they felt that the rôle of Congress in determining the conditions of reconstruction would be wholly subordinated to a fait accompli. When, therefore, Congress convened for its regular session in December, a stand was made for the asserted

^a Dr. Kendrick, however, after canvassing the alleged Southern animosity to Negroes and white loyalists, says: "No doubt a more important factor in determining Congress to provide for equality in civil rights was the Black Codes passed by the southern legislatures during the winter of 1865-66." (p. 280). The Georgia statutes offered in evidence through Alex. H. Stevens were exceedingly liberal towards the Negro, and the so-called "codes" were not generally presented.

right of Congress to lay down the terms upon which the states lately in rebellion might be permitted to resume their former status as states in the Union.³ The main weapon in the hands of the Congress was its exclusive power to admit or to deny admission to seats in the two houses of any representative from the reconstructed southern states. It determined for the time being to exclude all such claimants.

JOHNSON'S POSITION AND THAT OF THE RADICALS

The presidential and the Radical views as to the change effected by secession in the status of a seceding state were diametrically opposed. Mr. Lincoln's view was that a state was a perduring entity; that secession and rebellion were both beyond the constitutional and legal powers of a state, and that both secession and rebellion were evidence merely that disloyal persons had unlawfully possessed themselves of the powers of state governments; that when subsequently citizens loyal to the Union once regained control of the state government, the state was entitled as of right to resume its position in the Union.

The Radical view was that actual secession and rebellion wholly destroyed the relation that had previously existed between the loyal and the seceding states; in Charles Sumner's language, that it was tantamount to "state suicide"; or in Thaddeus Steven's incisive version, that the territory of the seceding states had become a province of the conqueror, to be ruled by the conqueror only under the law of nations, and whose re-admission to the Union could only be upon the terms prescribed by the victors alone.

Professor Burgess, in his Reconstruction and the Constitution, upholds the validity of the Radical view, and from a realistic political standpoint ridicules the notion that a state which had rebelled and left the Union could, from any conceivable standpoint, be properly regarded as potentially retaining any rights of statehood after it had been forcibly subjected to the power of the nation. Its territory and population become,

^a The Wade-Davis Act of 1864, providing for Congressional reconstruction, but through a white electorate at the South, had been pocket-vetoed by Lincoln.

in his judgment, simply the raw material out of which the Congress at its will might carve new commonwealths, very much as Congress may today treat the territory of Alaska. The Lincolnian theory he characterizes as "a Platonic idea," perhaps under the impression that Platonic ideas are as preposterous as Platonic love.

And yet, there is ground for thinking that Lincoln was right, and Stevens and Sumner and their apologists were wrong. There is, I believe, in our political subconsciousness. the ingrained assumption of a fraternal relationship between the commonwealths which jointly won their common independence, and which subsequently admitted to an equal partnership the newer states founded by their descendants. The prodigal in the parable apparently did not wholly forfeit his place in the family, even after he had journeyed into a far country; and some lurking realization of this analogy seems to have crept into the last public utterance Mr. Lincoln ever made, only three days before his assassination. He deprecated the wisdom of discussing the abstract issue whether or not the southern states had or had not been "out of the Union." He called it "a merely pernicious abstraction"; and concluded with the magnanimous observation—"Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad."

Unfortunately this view of the matter was not destined to prevail. The Radical leaders in the Congress construed the legislation in the southern states affecting the negro as a bold and bare-faced attempt to create something like peonage or collective slavery for the colored population. Even the more moderate members of the Congress were swayed and influenced by this view and by reports of occasional clashes and riots between the races in the South, and by rumors of the harsh treatment to which white loyalists in that region were subjected.

The fatuous conduct of President Johnson himself, conduct which Lincoln, had he lived, would have sedulously

⁴ It is noteworthy that the "idea" received the sanction of the Supreme Court, which, in *Texas vs. White* in 1869, held that "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."

avoided, conduced to bring about the inevitable clash with the Congressional leaders, and within a year after Lincoln's death the rift between the President and the Congress had hardened into implacable mutual hostility. By June, 1866, the majority in Congress had become convinced of the necessity of securing to the Negro full equality of civil rights with the whites by means of another constitutional amendment, the Fourteenth.

The Fourteenth Amendment embraces more than equality of civil rights. Without attempting to confer the suffrage upon the Negro, it provides that where, in any state, the suffrage is denied on account of race or color, the basis of the State's representation in the Congress shall be correspondingly reduced. It barred from office, both State and National, any person who had previously taken oath to support the Constitution and thereafter had engaged in rebellion. It also outlawed all debts contracted in aid of the rebellion, and all claims for loss or emancipation of slaves. These provisions were punitive or minatory, some of them but temporary in nature. The heart of the amendment lay in the first section, aimed at securing equality of civil rights. This first creates a citizenship of the United States which embraces all persons born or naturalized in the United States and subject to the jurisdiction thereof. It makes the citizen of the United States a citizen of the state wherein he resides. It forbids any State to abridge the privileges or immunities of citizens of the United States, and concludes in the pregnant words-"nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This is the amendment which in June, 1866 was proposed by the Congress and which went out to the states for ratification.

The impending elections in the fall would determine the political complexion of the next Congress. The issue was sharply drawn between the President and his Congressional opponents. The President was for leaving the settlement of Negro suffrage to the States and opposed the pending amendment, while his opponents urged the Amendment's adoption as

necessary "to give loyalty a fair start." The President and his supporters decried the prevailing tendency of Congress to concentrate power in the hands of the legislative department. Rhodes, in his history, quotes in this connection an excerpt from a letter contributed to the press by Petroleum V. Nasby, a sort of literary ancestor of Will Rogers. Nasby says: "I was summoned to Washington by that eminently grate and good man Androo Johnson to attend a consultation ez to the proposed Western tour, wich wuz to be undertaken for the purpose uv arousin the masses uv the West to a sence uv the danger wich wuz threatenin uv em in case they persisted in centralizin the power uv the Government into the hands uv Congress instid uv diffusin it throughout the hand uv one man."

The result of the election was an overwhelming defeat for the President, to which his own undignified conduct during the struggle largely contributed. But while there was no mistaking the pronouncement of the electorate, the Fourteenth Amendment was not yet ratified by the requisite three-fourths of the states. This, in large part, was due to its uniform rejection by all the southern legislatures except Tennessee. The third section, which excluded from public office, state and federal, practically all of the former political leaders of the South, was regarded as an impossible act of self-stultification. Rhodes shows that Johnson himself exerted his influence with the southern legislatures to bring about its rejection. state governments in this section which rejected the amendment, it must be remembered, were the same governments which the year before had promptly ratified the constitutional abolition of slavery.

Emboldened by their success at the polls, the Radical leaders under Stevens finally prevailed upon Congress to accept the policy of "Thorough." In March of 1867 the Reconstruction Act was passed which virtually swept away all the state governments in the South, except that of Tennessee. It divided the remaining states into five military districts, each under the control of a Brigadier General. The commanding Generals were directed to make an enrolment of the voters

in the states within their several districts. The enrolment embraced practically all male Negroes over twenty-one and excluded a large white element, including practically all of the old political leaders. In this electorate the blacks had an actual numerical majority in five of the ten states. The commanding generals proceeded to conduct elections to vote upon the question of holding in each state a constitutional convention. This being approved, the members of the new constituent bodies were chosen by the same electorates. The conventions in turn proceeded to draft new State constitutions, all conforming to a pattern prescribed in the Reconstruction Act of Congress, carrying Negro suffrage and exclusion from office or mandate of the whites who had supported the Confederacy. The same electorates proceeded to adopt these frameworks of government, and thereunder wholly new state governments were created in which the Negro element, largely under the guidance of northern emigrés or southern white renegades, and with the physical support of the United States troops in the South, controlled that section, or the larger part thereof, until 1877. It is not surprising that these new state governments ratified and adopted the Fourteenth Amendment. Even then it was more than two years after its proposal by the Congress before sufficient state ratifications were obtained to incorporate it into the Constitution. Essentially, the South's approval was effected through Congressional duress.

This paper is not concerned with the drab subsequent period in the South which lasted almost for a decade, nor with the later adoption of the Fifteenth Amendment, which purported to create universal manhood suffrage. It suffices to remark in passing that it was not so much the Civil War, or the abolition of slavery, which integrated the South politically for more than a generation, as the final method of reconstruction and the succeeding period of African supremacy.

II

Before passing to the story of the employment of the first section of the Amendment for purposes undreamed of at the time of its adoption, a word is necessary to characterize the extent to which the Amendment actually secured equality of civil rights between the two races in the South. It must, I think, be admitted that the Amendment established this complete equality of civil rights and that it exists today without substantial impairment. It is true that a number of subsequent acts by which the Congress sought to enforce this equality were stricken down by later decisions of the Supreme Court as unconstitutional. To decree the equality of right of the two races to identical accommodation in the same schools. hotels, theatres and railway carriages has proved beyond the powers of Congress. It is, of course, equally true that equality of political rights, especially the right of suffrage, has not been secured, despite the Constitution. But so far as property. contract, suit at court, or the law of domestic relations is concerned, I should say that substantial equality in these fields is accorded the colored race in the South, and that the completeness of this equality was immensely hastened by the Fourteenth Amendment.

There have been relatively few cases in which the Negro's claims to equality of civil rights under the Amendment have reached the Supreme Court. Collins, in his Fourteenth Amendment and the States, records that up to 1911 only twenty-eight opinions had been delivered involving the Negro race question. Many of these cases were frivolous in character, and were commonly appeals from convictions for criminal offenses where the composition of the jury, if all white, was alleged to be a denial of the equal protection of the laws. The fruitful germ of subsequent litigation involving the Amendment was in the clause—"Nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is almost impossible to exaggerate how remote in character and how entirely beyond the imagination of those who promoted the Amendment is the field in which it has come

^{*}James Ford Rhodes, History of the United States, Volume VI, p. 331, footnote 6, lists the enforcement acts applying to the Fourteenth and Fifteenth Amendments, which were subsequently invalidated by the Supreme Court, or which subsequently were repealed by the Congress.

to be most actively employed as an engine of constitutional law. Originally devised as a bulwark to uphold the Blacks, it has virtually become a barrier to restrain the Reds.

It was first in 1873, in the so-called Slaughter House cases. that the Supreme Court was called upon to construe the memorable paragraph quoted above. The first suitors to invoke the protection of the clause, strangely enough, were not Negroes at all, but certain white residents of New Orleans who belonged to a so-called Benevolent Butchers' Association. These gentlemen felt aggrieved that their previous liberty of maintaining stock yards and slaughter pens throughout the city had been terminated. There had been conferred by law upon the Crescent City Live-Stock Landing and Slaughter House Company a twenty-five year monopoly to yard all live stock and to provide slaughtering pens for all meat intended for the New Oreans market. Independent butchers, such as the Benevolent brotherhood, might yard and slaughter live stock only upon the premises of the Crescent City Company, and at a tariff of prescribed charges to be paid that company for the use of its plant. Such humiliation, the plaintiffs averred, reduced them to the status of "slaves," or at least of "involuntary servitude." Even more emphatic was their insistence that their property, including their previous right to pursue their olfactory trade where to them seemed good, was taken "without due process of law," and that they were denied the "equal protection of the laws." Non-suited in the highest court of Louisiana, they invoked the protection of the Fourteenth Amendment in a Federal forum.

A strictly literal interpretation of the Supreme Court's opinion in the case would suggest that the Court read into the Amendment the word "black." The second headnote of the opinion, more than ordinarily significant, because by Mr. Justice Miller himself, says inter alia: "An examination of the history of the causes which led to the adoption of those amendments and of the amendments themselves, demonstrates that the main purpose of the three last (sic) amendments was the freedom of the African race, the security and perpetuation of that freedom; and their protection from the white men

who had formerly held them in slavery." In the body of the opinion it is said: "We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision." It sounds as though the Court interpreted the prohibition upon a State's depriving any person of life, liberty and property to mean only that the State might not deprive any black person of life. liberty and property. It is true that the learned Justice remarks, in his opinion: "We do not say that no one else but the negro can share in this protection." But the text would seem to indicate that the Chinese coolie and the Mexican peon were typical of other possible beneficiaries. "Benevolent butchers," if white, were apparently beyond the pale, and "white slavery" at that time had not been heard of. At all events, the plaintiffs in error were told that the case presented nothing more than an appropriate exercise by Louisiana of the police power, and that they were without remedy under the Fourteenth Amendment.

This particular utterance of the Supreme Court, restricting the application of this provision to the Negro, was, I believe, never repeated. It has been criticised as a judicial solecism. It is susceptible, however, of another construction, if it be recalled that at this time many eminent legal authorities maintained, as Dunning puts it, "that these Amendments (he refers to both the Fourteenth and the Fifteenth) had effected a complete revolution in our constitutional jurisprudence by transferring from the States to the United States the duty of protecting in the last instance all the fundamental rights of citizens—their life, their liberty and their property." The decision was certainly a colorful way of shattering this erroneous theory of a complete change in the equilibrium of our constitutional system as between State and Federal governments.

For some years thereafter the Supreme Court persisted in holding that the exercise of the police power by a State or its duly authorized representatives, however drastically this power of police might be shown on the record to bear upon the property of "any person within the State's jurisdiction," was not remediable under the Fourteenth Amendment. In the Granger cases of 1876, particularly in Munn vs. Illinois, the Court developed its theory of "public interest" attaching to property used in a manner to make it of "public consequence." In answer to the contention that "the owner of property is entitled to a reasonable compensation for its use, even though it be clothed with a public interest," the Court repels the suggestion, by saving, "The practice has been otherwise," and adds, "The controlling fact is the power to regulate. If that exists, the right to establish the maximum of charge, as one of the means of regulation, is implied." There was added the familiar but now discarded dictum.-"We know that this is a power which may be abused: but that is no argument against its existence. For protection against abuses by the legislature the people must resort to the polls, not to the courts."

It was only after a lapse of thirteen years that the Supreme Court evidenced a change of mind with reference to the applicability of the first section of the Amendment. The Court then seems to have reached the conclusion that it was intended to prohibit State governments from singling out any person or class of persons "as a special object for discriminatory and hostile legislation." More remarkable still was the Court's attitude toward corporations. At first pro-

[&]quot;Dr. Kendrick, in the study already cited, recounts the interesting story of how Roscoe Conkling, in December, 1882, appearing as counsel for the Southern Pacific, argued before the Supreme Court in the San Mateo case (116 U. S. 26) that "the amendment was designed to operate upon associations of individuals (i.e. corporations) as well as upon individuals singly." In support of his contention Conkling quoted from the manuscript of the then unpublished journal of the joint Congressional committee which reported the Amendment to the two houses. A scrutiny of the journal and a canvass of the circumstances, to say nothing of the fifteen years which had elapsed since the adoption of the Amendment, induce me to conclude that Conkling's claim has the most tenuous foundation in historic fact. It is far easier to explain it as a dramatic plea by a resourceful advocate than as a true version of fact. There may be some truth in his allegation that the Amendment would throw its protective aegis over persecuted white loyalists in the South as well as over the freedmen. It is even possible that joint property of freedmen was contemplated as shielded by the Amendment. But if, as Conkling alleged, there was a conscious design to shelter business and commercial corporations against State aggression, it is pertinent to ask why Conkling's own votes in the sessions of the joint committee were consistently against the civil rights amendment,—a point well made by Dr. Kendrick. It is worth recalling that in 1866 the corporation problem was in its infancy as a public issue. The fact never-

visionally, and in 1889 with great explicitness, the Court held that corporations are "persons" within the meaning of the clauses of the Fourteenth Amendment to the Constitution concerning the deprivation of property, and concerning the equal protection of the laws.

In 1890 the Supreme Court held squarely that a person, in this case a corporation or artificial person, might effectively invoke the due process clause against the police power of a state government. The Supreme Court of Minnesota, in upholding rates for the carriage by railroad of milk and creamprescribed by the Minnesota Commission, had declared that there was no power in the courts to stay the Commission's hands, if the Commission chose to establish rates unequal and unreasonable. This explicit holding by the highest state court seemingly shocked the Supreme Court into the recognition that this was a denial of due process of law. The dissenting minority of the Court pointed out that such a decision was an overruling of Munn vs. Illinois and the cases depended thereon. But the nose of the "due process" camel had insinuated itself under the constitutional tent, and the whole body was soon to follow. In the Reagan case in 1894 the Supreme Court held there could be no doubt of its power and duty to inquire whether a rate imposed by a state statute or a state commission was such as "to work a practical destruction to rights of property and if found so to be, to restrain its operation under the Fourteenth Amendment." Texas was restrained by the Court's decree from enforcing the rates it had set. From this time forward, judicial review of the exercise of the state's police power has been increasingly the order of the day. Collins, in the work already cited, shows that in the first forty-three years after the adoption of the Amendment, the Supreme Court had handed down 604 opinions thereon, of which only 28 affected civil rights of the

theless remains that after Conkling's argument, which exposed the Court's untenable position in the Slaughter House Cases, the Supreme Court began to give a broader interpretation to the Amendment.

Santa Clara Company vs. Southern Pacific Railway, 118 U. S. 394 (1886). This was reiterated in 1888 in Pembina Mining Company vs. Pennsylvania, 125 U. S. 181; and was expanded in 1889 in Minnesota and St. Louis Railroad Company vs. Beckwith, 129 U. S. 26.

Negro, while 312 involved a corporation as a principal party. Since 1912 the tendency, already pronounced, of invoking the first section of the Amendment in defense of business corporations, many of them public service companies, against regulatory provisions of state law, has grown prodigiously. An annotated digest of the Constitution with a citation of all cases under each clause which have been the subject of pronouncements by the Supreme Court down through 1924 shows unmistakably that the first clause of the Fourteenth Amendment has become by far the most prolific source of present day constitutional growth. It has been applied to state statutes regulating the manufacture and sale of goods, the hours of labor in mines, hospitals and bakeries, to the wages of labor, the piping of natural gas, the fixation of rents due to housing shortages in New York City and Washington; to the creation and powers of state regulatory bodies, and also to the duties of bridge and telegraph companies; to compulsory insurance of motor vehicles: to banks and banking, mines and mining, the relation of mortgagor and mortgagee; to game and fish laws, to zoning ordinances, and to ordinances restricting residential sections for colored people; to criminal prosecutions; to water, gas, telephone, electric and railroad companies, as well as to the rates of grain elevators, insurance companies, and even to the resale price of theater tickets; to a mass of minor police regulations, and to tax laws of every kind and description.

III

Former Justice Hughes, in his recent work on the Supreme Court, raises the question, wherein "the substance of life, liberty and property consists," and remarks, "That is the question which the Supreme Court is daily called upon to answer, as case after case presents the never-ending invocation of the Fourteenth Amendment."

Bryce, in his American Commonwealth, attributes our constitutional growth to three sources; (1) to formal amendment—an infrequent and difficult process; (2) to custom hardening into precedent, illustrated by the way in which our Presidential electors have ceased to exercise any free power

of choice and are held bound in honor to vote for the nominee of the party which has made them electors; and (3) to judicial decisions. This last process is the one which is daily at work; and in this field the civil rights section of the Fourteenth Amendment is controlling the greater part of the current growth of our constitutional law.

The ways in which the Fourteenth Amendment shapes the current growth of constitutional law are two-fold. First, through the process of judicial review, there is erected a potential Federal veto of state action, executive, legislative and judicial. Second, the limits to which future state action must conform in order to be valid are laid down in Supreme Court decisions based, for the most part, on the Fourteenth Amendment.

First, as to the potential veto upon state action. It ought not to be inferred that when a party alleges a federal question is involved under the Fourteenth Amendment, and prosecutes an appeal to the Supreme Court, the highest tribunal lightly and usually sets aside the state action as null and void. The opposite is more generally the case, for the Court is conservative and is averse to invalidating the action of a state. Probably in three cases out of four the action of the state is upheld. On the other hand, the instances are not a few where municipal ordinances, state statutes, the orders of state regulatory tribunals, and, in a few cases, even provisions in the state constitutions themselves, have been adjudged to be repugnant to the Fourteenth Amendment. The very uncertainty whether state action will or will not be upheld by the Supreme Court acts as a deterrent to state governments in the exercise of their activity.

Second, where the Supreme Court in a case arising under the Fourteenth Amendment lays down the metes and bounds which state action must observe, if its acts are to escape repugnancy to the Amendment, it delimits the discretion which other states in future may exercise. Thus, in a recent case arising in New Jersey, the attempt of that state to regulate the maximum fees that might be charged by employment bureaus for securing a job to an applicant was adjudged to deprive the bureau and its clients of the liberty of contract guaranteed by the Amendment. The practical result is very much as though the states were required to desist from all similar attempts to

regulate the fees exacted by such agencies.

The characteristics of this potential judicial veto upon state action should not be overlooked. The limits within which it may be exercised are vague and almost incapable of definition. As Mr. Justice Holmes remarks in one of his opinions, "What is due process of law depends upon the circumstances."8 Or, as Mr. Justice Moody said in another case, "The Fourteenth Amendment withdrew from the States powers theretofore enjoyed by them, to an extent not yet fully ascertained." In a great number, perhaps a majority, of these decisions, the Court itself has been at variance whether the state action did or did not, offend against the Constitutional provision. Another characteristic of the judicial veto, when exercised, is that while it strikes down state action, it allows no corresponding remedial or positive legislation on the part of Congress. The Amendment puts a prohibition on the state alone, not on individuals or corporations within the states, and the Court has held that the Amendment allows to Congress only the power by legislation to restrain the states from violating the rights reserved, but does not carry the power affirmatively to vindicate such rights by laws directed against individuals. Thus the Special Statutory Court in the recent Queens County Gas case restrained the State of New York from compelling the Company to establish a \$1.00 rate for gas; but it is certain that a mere act of Congress attempting to establish any rate for gas in Queens County would be held ultra vires and unconstitutional.

It would savor of presumption to essay a conclusive opinion upon these wholly unanticipated results of an amendment which historically sought to establish the rights of a race, rather than the rights of property. Innumerable proposals have been made with a view to stopping the flow of current appeals to the Federal courts arising from this source. Regret

^a Moyer vs. Peabody, 212 U. S. 84 (1909).

^{*} Twining vs. New Jersey, 211 U. S. 92 (1908).

34

has been expressed that this inroad has ever been made upon the police power of the individual states to control the rights of corporate property within their limits. It has been argued that extreme or hostile state legislation against organized capital within a state would have invoked an economic sanction, and would have been self-corrective; that the remedy for legislative abuses would have been sought and found at the polls rather than in the federal courts. Personally, I am inclined to doubt this. The development of corporate capital and its fight of self-defense against what it deemed harassing state legislation was bound to come. The economic area of industrial operation already has grown beyond state boundary lines, and requires national rather than local control. The amendment provided a fortuitous channel through which this newly generated industrial energy might seek an outlet over parochial obstructions, and this, in the main, has been the result of the Fourteenth Amendment.

TWO ROADS TO ROME; AN ESSAY IN DISTINCTION

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T

THEN IN 1493 Alexander the Sixth drew upon the Atlantic the famous line of demarcation defining the spheres of Spain and Portugal in the new world, he indulged himself in a diversion which, both before and since, has enjoved a certain popularity. It would seem that there is a peculiar satisfaction in drawing a line through the center of things and-this with all due deference to both Lisbon and Madrid-illuminating one half with sweetness and light, while consigning the other to outer darkness. At least we may trace through all the kingdoms of the earth a thoroughly substantial number of dualisms of varied sorts and dimensions. In theology, Ormuzd wars on Ahriman; in philosophy, monism ranges itself against pluralism; in literature and the arts. we have the embattled classicists and romanticists. Indeed. the woods are full of them, and this, as Rabelais would say, without counting the women and children. Consequently, it is with some diffidence that we add one more exhibit, however modest, to this museum of two-headed curiosities. A dualism is always dangerous because it tends to become unstable, one factor outweighing the other, and because there are always people who are more than likely to take it seriously: but, if we keep in mind the adage of Coleridge, "The office of philosophical disquisition consists in just distinction; while it is the business of the philosopher to preserve himself constantly aware that distinction is not division," and if we remember that in the field of our inquiry, literature, there are no absolutes, perhaps we can find in two modes of expression a suggestion worth considering.

Suppose we allow Hazlitt and Shakespeare, very wise men both, to state our fundamental contrast for us. We do not need to be reminded that Shakespeare tells us all the world's a stage and all the men and women merely players, but it may be well to quote from that very magnificent essay of Hazlitt's, "On the Feeling of Immortality in Youth." He is speaking of the pageant of existence: "Like children, our step-mother Nature holds us up to see the raree-show of the universe; and then, as if life were a burthen to support, lets us instantly down again. Yet in that short interval, what 'brave sublunary things' does not the spectacle unfold; like a bubble, at one moment reflecting the universe, and the next, shook to air!" There we have it. We are on the stage or in the auditorium, one or the other. Some of us, like Shelley and Hugo and the author of the Song of Solomon, need fundamentally to be, to feel, to act; others, like Montaigne and Hazlitt himself, to observe, to appraise, to wonder, or to understand. In "The Cloud" Shelley writes,

I bring fresh showers for the thirsting flowers, From the seas and the streams; I bear light shade for the leaves when laid In their noonday dreams,

and again, in "To Night,"

When I arose and saw the dawn,
I sighed for thee;
When light rode high, and the dew was gone,
And noon lay heavy on flower and tree,
And the weary Day turned to his rest,
Lingering like an unloved guest,
I sighed for thee.

It is unnecessary to quote from the "Ode to the West Wind" or "To a Skylark," but there, too, Shelley is on the stage of his world. He participates in, or is identified with, his subject. We experience no reserve on the part of the poet, but, on the contrary, feel that we are dealing with an immediate emotion. And now Montaigne, concerning his *Essais*:

I desire therein to be delinested in mine owne genuine, simple and ordinarie fashion, without contention, art or study; for it is my selfe I pourtrayed my selfe fully and naked. Thus, gentle Reader my selfe am naturall forme discerned, so farre-forth as publike reverence hath permitted me. For if my fortune had beene to have lived among those

nations, which yet are said to live under the sweet liberty of Nature's first and uncorrupted lawes, I assure thee, I would most willingly have pourtrayed my selfe fully and naked. Thus gentle Reader my selfe am the groundworke of my booke.

Unlike Shelley, Montaigne, even though his subject be himself, hold it at arm's length; he maintains a reserve and, instead of existing therein, he sees it as something to a degree removed.

The aestheticians tell us, among other things, that one reason why we react differently toward a murder which we witness on the street and one which we see mimicked on the stage is that in the second instance our motor impulses are not called into play; we feel a distance between ourselves and the event which permits us to consider the action aesthetically. whereas in the true murder we are involved directly and feel called upon to act rather than to observe. At any rate, this notion of distance is a valuable one for our purposes because it differentiates our two literary modes. One-and this without any intention of implying superiority or inferiority—we may call active or immediate, and the other passive or reserved. At least, if we keep in mind this figure of the world as theatre, and think of literature as moving before the footlights or as observing behind them, we shall have the contrast essential to our purposes. And although this contrast shares with every other critical yardstick an annoying, not to say perverse, inability to solve all literary problems to our perfect satisfaction, it may yet be of some usefulness in dealing with three of the major cruces of criticism, the distinctions between poetry and prose, tragedy and comedy, and the making and appreciation of literature.

II

It is not so much the distinction between poetry and prose as exact forms, as that between the poetic and prose spirits which concerns us here. Without entering into the quarrels of the metrists, and certainly without attempting to minimize the often distinct interest of these, we can accept as generally valid the familiar dictum which differentiates poetry and prose on the grounds of rhythm, verse possessing not necessarily meter but a distinguishable pattern which in prose is lost in the subtleties of longer and more diverse cadences. And we can accept the statement that in poetry there is an intensity, a fine heat of feeling not characteristic of prose, a certain finality of expression to be associated usually with its rhythmic qualities. If you will, poetry has a greater density than prose, which is merely another way of putting Poe's principle that

no long body of verse is all poetry.

And, now, perhaps we can supplement this familiar distinction by appealing to our differentiation between the active and passive modes of expression. Poetry, we feel, is more emotional than prose, more spontaneous, more immediate. And a reason for this is precisely that poetry is, in our sense of the term, active. The poet is on the stage; he is living rather than reflecting on life. Probably the large majority of us think of the lyric as the most quintessentially poetic of all the kinds of verse, justly so because here the poet is nearest his subject, and most at liberty to feel and speak. When Wordsworth writes,

The Rainbow comes and goes, And lovely is the Rose, The Moon doth with delight Look round her when the heavens are bare,

we are in contact with immediate feeling, and in Byron's,

Though the night was made for loving, And the day returns too soon, Yet we'll go no more aroving By the light of the moon,

we have again the literature of directness, though in another key. The minor poems of Milton, the dramatic lyrics of Browning, the cavalier tunes of Herrick and Suckling are alike in that they show us the author in his subject. I do not mean that when Suckling writes,

Out upon it, I have loved
Three whole days together;
And am like to love three more,
If it prove fair weather,

we need take this as an adventure in the flesh of that Sir John Suckling who was born in 1608 and died in 1642 and rejoiced in a brilliant career as a courtier and a soldier, but that we feel direct participation of personality in its materials. Nor does it matter whether the poet says, "I do this; I feel thus." Our concern is not with a mechanical formula but with something much more fundamental, a whole underlying way of seeing.

Now if we compare the lyric with its complementary prose form, the essay, we find a difference in mood. The author keeps his distance; he is reserved, perhaps humorous or skeptical. He exists in his work not so much as an active participant as an interested spectator, not so much to do, as "for to observe and for to see." Sir Thomas Browne tells us,

I could never divide my self from any man upon the difference of an opinion, or be angry with his judgment for not agreeing with me in that from which perhaps within a few days I should dissent myself.

. . We carry with us the wonders we seek without us; there is all Africa and her prodigies in us; we are that bold and adventurous piece of Nature, which he that studies wisely learns in a compendium what others labour at in a divided piece and endless volume.

And Swift:

Surely man is a Broomstick. Nature sent him into the world strong and lusty, in a thriving condition, wearing his own hair on his head, the proper branches of this reasoning vegetable, until the axe of intemperance has lopped off his green boughs, and left him a withered trunk.

. . . But a broomstick, perhaps, you will say, is an emblem of a tree standing on its head; and pray what is man, but a topsyturvy creature, his animal faculties perpetually mounted on his rational, his head where his heels should be, grovelling on the earth!

Now, of course, the essayist's opinion is just as personal, just as much his own, as is the poet's feeling, but there is yet a difference. The essayist is concerned, as Ben Jonson put it, with "stirring up the mould about the roots of a question," and this is a different thing from living the question oneself. In the lyric the author and his subject are, relatively speaking, one; in the essay they are two, and it is this detachment of the ob-

server which constitutes a fundamental difference between the prose and poetic spirits.

In narrative a generally similar state of affairs exists. though perhaps we feel that prose is on the whole a more sympathetic medium for story-telling than is poetry. In narrative verse we have, by and large, a story as story. We are not conscious of the poet as exterior to the narrative itself. But in the novel we have the story plus the author's comment upon it. "The Eve of St. Agnes" is a romantic mediaeval tale with nothing separating us from the picture, but between the adventures of Tom Iones and ourselves intervenes the genial gloss of Fielding. Even with the development of a more or less prominent conscious psychological interest in both poetry and prose, the distinction remains. Mr. Robinson's characters are in large measure felt, but Mr. Joyce's are analyzed.

It is worth observing, further, that on the doubtful ground of "prose-poetry" our row of footlights throws some illumination. De Ouincev at his most gorgeous in the "Dream-Fugue" is writing directly, that is, poetically, as compared with, let us say, Addison in his account of "Sir Roger at the Play." When Ruskin is moved by enthusiasm as in "St. Mark's," by indignation as in "Traffic," he becomes at moments lyrical, and if there is poetry in Job or Ecclesiastes, there is immediate feeling and not intellectual detachment co-existent with that poetry. And with emotional tension rhythm appears. Per contra, a large part of the didactic verse of the eighteenth century is thoroughly cold and distant, and hence not, in spirit, poetry. Everyone knows that the neo-classic eighteenth century is preëminently critical, just as everyone knows that the romantic years of the nineteenth century mark the resurgence of feeling and fantasy. Is it an accident that the era of the Spectator and Dr. Johnson and Pope and Goldsmith is a prose age, verse and prose alike moving toward the prose ideal, or that in the day of Coleridge and Keats and Lamb and De Ouincey prose and verse alike move toward the poetic ideal? One point more: if we may call the age of reason also the age of the coffee house, we might with equal justice call the lyric reign of Elizabeth the age of the tavern. And the difference between "your full Mermaid wine" and coffee—treason though it may be in these times to say it—is not unlike the difference between poetry, the literature of emotion, and prose, the literature of the mind.

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That "emotion" and "thought" might frequently be substituted for our "action" and "observation" must have become obvious to the reader. For fundamentally our distinction is akin to that of Wordsworth between poetry and science, or that of De Quincey between the literature of power and the literature of knowledge, though we have here confined ourselves to the knowledge that remains literature. Whatever the psychologists may think of the distinction between the intelligence and the emotions, it has long been useful in matters literary and aesthetic. Yet misapprehension seems less a danger if we say that poetry acts and prose examines than if we call the one emotional and the other intellectual, though both statements are true. Certainly both the mind and the emotions are essential to all the forms of art, and the distinguishing tone of a work is no necessary index to the qualities required in its composition. In literature, as elsewhere, quantitative differences are often equivalent to qualitative differences, and our problem becomes one of the dominant, not the exclusive, characteristic. The essential thing is that a dominant characteristic exists, and that it may serve as a guide to the topography of the western islands of Keats and Goethe and the kindly fields of Izaak Walton and the Sieur de Montaigne.

III

The metaphor of the theatre has proved a convenience in keeping before us our determining contrast. In common gratitude, then, we might return to our playhouse temporarily for the purpose of considering the figure as it applies to the two dramatic moods, comedy and tragedy. Now, tragedy, we have been told, is cathartic; it moves us with pity and terror. That is to say, it is basically an emotional form. The audience of *Oedipus the King* or *Hamlet* is carried with the action; it in some sense participates in the action. We feel not at Ham-

let, but with him, in a kind of self-identification, not necessarily with one character, but with the situation, with the dramatic emotion itself.

In comedy, on the contrary, if we may trust our own observation as well as the sundry indifferently prepossessing but very serious theories on the subject, this sense of immediate participation in the action is lacking. Doubtless we have gathered that the essence of laughter is incongruity, that a comic situation exists through the juxtaposition of incompatibles, through some temporary dislocation in our convention that 2+2=4. Cyrano's nose is a monstrous defiance of the established order of sober and respectable noses; Dogberry's language is a perverse commentary upon his estimable mental processes. Géronte says of Léandre, "Que diable alloit-il faire dans cette galère?" The incongruity—for the purposes of Molière's comedy—is in Léandre being in the galley at all. even hypothetically. Comic time is always out of joint. Well, we perceive this collision, this disarrangement, through the mind. It is our sense of logic which discovers that we have added shoes to ships and got sealing wax, and somehow the discovery is humorous.

We have already seen that the literature of the emotions concerns us more immediately than that of the intelligence. In our tragic situation we exist with and in the action, but in comedy we stand outside and look on. A comic scene generally involves for one of its characters pain or suffering of some sort. If we felt with Euripides and his father-in-law. Mnesilochus, as Aristophanes presents them to us in the Thesmophoriazusae, or with Malvolio in his solemnities as we feel with Othello or Electra, our mood would be one of commiseration, whereas in fact it is nothing of the kind. The situation which we relish as comedy because we are outside it we should feel immediately in tragedy because we should be one with it. Just as a recognition of the poetic spirit is a recognition of the poet's identity with his matter, so the sense of tragedy is a sense of internality, while, as prose means distance, so in like manner does comedy mean externality. Granting that laughter is a profound physical sensation, we may be allowed to doubt that it marks our personality as permanently or as deeply as sorrow, or that this difference is altogether unconnected with the fact that our ideas seem to be a less enduring

part of us than love and fear and pity.

Comedy and tragedy are, of course, not dramatic forms only. The difference we feel in Dante and Heine, in Malory and Rabelais, is essentially that which we feel in Sophocles and Aristophanes, or in Othello and The Way of the World. This suggests a question which may well have occurred to the reader before now. If poetry and tragedy are in much the same sense and degree emotional and immediate, and prose and comedy intellectual and reserved, what then, he may ask, if poetry and comedy co-exist, as they certainly do in Chaucer, or prose and tragedy, as in Malory? Here we can answer only that we are concerned with the spirit and not the letter. and that the reader must settle with his own conscience the question whether he feels most in The Canterbury Tales the intensity of high poetry or the warmth of fine comedy. Certainly, he will feel something of both, and if in recalling Coleridge's "distinction is not division" he protests that Chaucer is none the worse for not fitting neatly into a prepared pigeonhole. I for one shall not quarrel with him. The process of pigeon-holing for its own sake has a very limited interest; we ourselves are concerned with categories only in so far as they are useful in bringing us understanding and hence appreciation. Earlier we said that art knows no absolutes, that the factors of thought and feeling are not mutually exclusive, and we may say now that a medium, poetry, may be more adapted to tragedy than to comedy without prohibiting the latter. We may say that Troilus is in the great poetic tradition without saving that there cannot be a "Nun's Priest's Tale." In Hazlitt's world-theatre, one remembers, the spectator must at one time or another be also an actor.

Among the ideas Coleridge derived from the German metaphysicians none is more fruitful than this: greatness may come about through the synthesis or reconciliation of opposites. The fact that a work of art is not readily classified according to some preconceived formula may mean only that it

has a quality of universality, a many-sidedness in which resides its peculiar excellence. And that applies to Chaucer. A caricature or a type differs from a genuine characterization in that it is one-sided. Falstaff is magnificent, not because he is comic, nor because he is pathetic, but because he is both. Talent is a dilute form of genius; if a work of art can approach us through many avenues, it possesses a potentiality beyond that of a less-rounded production. We shall know, ordinarily, whether we are dealing with the quality of action or that of distance, but when in the one work we are confronted with both, we are more than likely dealing with the quality of greatness.

IV

Our last problem, the relation between creation and criticism, though, as Mr. Spingarn has pointed out, essentially no newer than the preceding two, has undergone a very considerable development since Goethe. With the great dogmatic or magisterial critics, from the Renaissance Italians and Boileau to Jeffrey, criticism, understood as the business of judgment, seemed far enough from creative literature in the usual sense. But with the nineteenth century and Goethe. Pater, and Sainte-Beuve, criticism has tended to think of itself as appreciation and to approach, indeed to recreate, the works of imagination proper. And our own time, through Signor Croce and Dr. Bosanquet and Mr. Spingarn, among others, has come to ask whether the process of making a work and the process of enjoying and estimating it are not fundamentally allied or perhaps at bottom identical. As for ourselves, we can inquire where creation and criticism stand with reference to the curtain separating stage and auditorium, and once more find an answer useful.

When we see *Lear* or listen to the Fifth Symphony, are our processes at all analogous to those of Shakespeare and Beethoven? That is our problem. And here we must divide in order to distinguish. Creation is primarily and dominantly a synthesis, a making. Criticism in so far as it is judgment—and, whether we like it or not, even at its most creative, it does

involve judgment; to ascribe to a work of art qualities is at the same time to give it limitations-criticism, then, in so far as it is judgment, is primarily and dominantly an analysis, a taking apart. But in order to judge, the critic must first understand—though there are those who do not trouble themselves so far-and understanding is conditioned by the ability to feel in the work what its author put there, to re-create in oneself the vision of the artist before presuming to evaluate his accomplishment. In other words, the critic must create before he can analyze or destroy; we must understand Lear through having made it exist for ourselves before we can say what we think of it. And in like manner, clearly enough, the creative artist must needs possess in some measure, consciously or unconsciously, the ability to analyze his own work, to determine the relative values for his purpose of combinations of words. details of action, traits of character. The extreme inequalities in Wordsworth's poetical output are due repeatedly to his lacking in large measure this faculty of discrimination.

Thus, in both creation and criticism we can distinguish two moments, one analytical, one synthetic. And, of course, synthesis and analysis are no more than our familiar action and observation in disguise. Making Lear is feeling it, being it—the poet on the stage; appreciating Lear is examining it the critic in his seat on the aisle. If we are right, then the production and the aesthetic perception of the play, the symphony, the picture—I am quite willing that we should understand art here in its broad sense—involve the same elements. and in this they are alike. There is, too, a secondary resemblance in that the recording of a critical reaction is itself a new synthesis and may be in the strict sense of the term a creative work. Thus, Leonardo's La Gioconda and Pater's appreciation of the picture are both works of art, the difference being that the material of one is reality and of the other a man's vision of reality. At the same time, though criticism and creation involve like elements, they accent these very differently. In the making of Lear analysis was subordinate to our criticism of synthesis, while in it recreation of the work is incidental to criticizing analysis. Further, in the one instance,

our matter was life, in the other, letters, and though it is true that literature is a part of life, it is equally true that it is a refined and organized part. For criticism and creation, just as for prose and poetry, comedy and tragedy, a basic unity does exist. We had there two media of communication in language, two forms of drama. And, just as there, the distinction between acting and observing is a convenient means of realizing both unity and bifurcation. Man, being a thoroughly lazy animal, does not go to the trouble of inventing labels for which there are no corresponding realities. Criticism and creation are variations on a single theme, but still variations.

The distinction between the two modes of expression which we have been discussing is in its way an expansion of the difference the man in the street feels when he says, "Smith is a man of action, but Iones is a thinker; he doesn't do anything." And coupled with this feeling of difference there is too often a judgment which we wish to avoid here. Our dealings have been with the problem of quality or character and not with the question of "good" or "bad." To understand a literary kind is of considerably more interest-may I say value?—than to place it in a hierarchy. The relative merits of poetry and prose, or of the literature of Montaigne, Aristophanes, and Pater and the literature of Shelley, and Sophocles, and Shakespeare, taken as wholes, are not in question here, and cannot be, since such a problem is almost as much without a meaning as it is without a solution. Which is "better," an artichoke or a guinea pig, an isosceles triangle or a brickbat? We may say that as individuals we have a preference for things sour as opposed to things sweet, or for tragedy as opposed to comedy, or for Heine as opposed to Walt Whitman, but that is no answer to the question of relative inherent values. Our point, on the contrary, is that a literature of observation-prose, comedy, criticism-and one of actionpoetry, tragedy, creation-do exist and that these are distinguishable.

Distinguishable, but not divisible. Actor and spectator, poet and essayist, are alike human, alike artists. Both work

in the great medium of the imagination, which means, as Bacon said long ago, the submission of the shows of things, the appearances of the world we know, to the desires of the mind. Art is change, and so long as it is the first business of the artist to transmute the world of nature into the world of humanity, more orderly and more beautiful than the old, our two modes are but two of the many pathways of the imagination which lead, like all the other roads, at last to Rome.

THE LOVE OF SOLITUDE IN EIGHTEENTH CENTURY POETRY

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T

READERS of English poetry of the eighteenth century will perhaps remember how often in this poetry man is depicted as a solitary and to what a remarkable extent it manifests a love of solitude. Throughout the century this delight in solitude is an ever-recurring theme. As early as 1700 we discover one phase of it, the desire for a country life, in Pomfret's "Choice." Changing somewhat in character, it is an ever-increasing mood, and reaches its finest and richest expression in Wordsworth at the end of the century. The phenomena which we observe seem to bear out Mr. Gosse's statement that

a passion for solitude always precedes the romantic obsession.

For this reason, and for others, it would seem profitable to study in some detail this eighteenth century love of solitude.

This love is not easy to explain or to define. It becomes obvious to the reader of the eighteenth century poetry that the word "solitude" (like "nature" in "return to nature") has many meanings. It is possible, however, with some in-

sight, to make a few profitable distinctions.

To begin with, one may say that there is nothing monastic about it. The monasteries in England had been long abandoned, and the monastic life held no charms for the men of the eighteenth century. It is not unreasonable to say that this nostalgia for solitude had hardly any religious or mystic character whatever. In "Father Francis's Prayer," by Ambrose Philips (1675-1749), while we do find a priest in a monastery, the priest prays God to

bless from fools this holy ground.

This is no priest praying, but a man of the great world, seeking asylum from fops and fools. It is of course well known

to every critic that (partly owing to a reaction against the Metaphysical Poets) mysticism was at a low ebb in the eight-eenth century. The great hymn writers of the time only rarely expressed a love for solitude. They were for the most part evangelical in temperament; they were "enthusiasts" rather than solitaries.

We may further clarify our study by examining at the outset certain types of poems, such as Parnell's "Hermit" and Goldsmith's "Traveller." These poems depict respectively a hermit, and a traveller who journeys alone; but they do not deal with any innate longing or cultivated taste for solitude. Thus Parnell's poem is concerned with a hermit who actually leaves his place of retirement to mingle with men, and who discovers that "all things work together for good." In like manner Goldsmith's Traveller is seeking "that happiest spot below" without any a priori assumption that happiness will be found in solitude. He has not chosen a wandering life in order that he might be a solitary; but his wandering prevents him from making ties of love and friendship. This detachment enables him better to examine and evaluate "some fleeting good," which he seeks in societies and not in solitude itself. The Traveller's conclusion, that "our own felicity we make or find," while sound, is not in accord with the belief of many eighteenth century poets that felicity was to be found only in solitude. What has been said of the Traveller applies with equal truth to Gray's "Elegy Written in a Country Churchyard." In the elegy the poet is alone, and pensive, but he is not a true solitary; solitude is not the stuff of his thoughts.

II

Having briefly considered these poems, we may now enumerate and examine some of the qualities and characteristics which this love of solitude seems to express. We note first a desire for a "pleasing melancholy;" second, a desire for "serenity of mind;" and, third, a love of nature, with a few faint manifestations of Platonism.

Let us consider first the delight in a pleasing melancholy. It early becomes apparent to the reader of eighteenth century

poetry that the love of solitude and the love of melancholy are inextricably mingled. Thus the same poem often expresses a desire for both. The love of melancholy is, however, seemingly the least interesting of the three tendencies we have enumerated above. In general it degenerates into a thin and impotent romanticism, a feeble subjectivity. Thus William Mason (1724-1797) in an Ode to a friend (*Poems*, 1746) seeks only the boon of meditating upon his own ills:

Leave me, my friend, indulgent go, And let me muse upon my woe.

It was assuredly not from such romantic melancholy as this, that seemingly Minerva-like sprang the mature and vigorous romanticism of Wordsworth.

It is a commonplace to say that the desire for serenity and equilibrium in life is a classical tendency, that these things are anathema to the romanticist. Nevertheless, this commonplace must be stated for the following reason: poetry which expected solitude to give serenity and equilibrium represents a mature poetry; it is the end of a tendency. It was not this love of solitude which, in the words of Mr. Gosse, "preceded the romantic obsession." It is worth noting that it is not always absolute solitude which is sought, but often merely retirement or withdrawal from the great world. The classical content of this poetry is shown in its professed—but only professed—dislike of cities; often the poetry contains direct references to classical antiquity. An excellent example of this sort of poetry is Pope's "Ode on Solitude" (Works, 1735), which is quoted below in full:

Happy the man, whose wish and care A few paternal acres bound,
Content to breathe his native air,
In his own ground.

Whose herds with milk, whose fields with bread, Whose flocks supply him with attire; Whose trees in summer yield him shade, In winter fire. Blest, who can unconcern'dly find Hours, days, and years, slide soft away, In health of body, peace of mind, Quiet by day.

Sound sleep at night; study and ease, Together mix'd; sweet recreation, And innocence which most does please, With meditation.

Thus let me live, unseen, unknown;
Thus unlamented let me die,
Steal from the world, and not a stone
Tell where I lie.

The desire for regularity and serenity in life is the essence of Pope's "Ode on Solitude." Horace, more than Theocritus, inspired him to write it.

Neo-classical poetry is replete with this desire for serenity and equilibrium. Thomas Parnell (1679-1718) in his "Hymn to Contentment, after saying that "Solitude's the nurse of woe," urges man to rule his will, to bid his passions all be still, and to know God; but it is still in his "hours of sweet retreat" that he is to find his greatest happiness.

Matthew Green (1696-1737) in his poem "The Spleen" (1737) expresses a desire for contentment, and describes for us a farm, evocative of Pomfret's "Choice." The following excerpt shows the mood of the poem:

Thus sheltered, free from care and strife May I enjoy a calm thro' life, See faction, safe in low degree, As men at land see storms at sea.

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William Somerville, (1675-1742) in "The Student" (1750) reveals his retirement in the following lines:

Sage experience taught me how to prize Myself, and how this world.

William Cowper (1731-1800) in his "Retirement" (1782) says:

The tide of life, swift always in its course, May run in cities with a brisker force, But nowhere with a current so serene, Or half so clear, as in the rural scene.

The classical inspiration of much of this poetry is shown, as has already been stated, not only by its dislike of cities and its love of serenity, but sometimes by references immediately evocative of the humanist's attitude toward life. Thus James Thomson (1700-1748) in the "Castle of Indolence," i, tells us that

Scipio, to the soft Cumaean shore Retiring, tasted joy he never knew before.

Again, Elizabeth Carter (1717-1806) in her "Ode to Wisdom" (Dodsley) says:

From envy, hurry, noise, and strife,
The dull impertinence of life,
In thy retreat I rest:
Pursue thee to the peaceful groves,
Where Plato's sacred spirit roves,
In all thy beauties dressed.

One of the most delightful examples of this humanist mind is found in Isaac Hawkins Browne (1705-1760). The following lines are from "The Foundling Hospital for Wit" (1747):

Now I pass with old authors an indolent hour, And reclining at ease turn Demosthenes o'er; Now facetious and vacant, I urge the gay flask With a set of old frients—who have nothing to ask; Thus happy I reck not of France nor of Spain.

This is not absolute solitude; but it was all that the men of the Eighteenth century wanted. Their interests were not by nature esoteric. Their love of solitude was in large measure prompted by their desire to get away from the vexatious and disturbing influences in life. They would have regarded as unhealthy an excessive love of solitude. But they wanted to

be true to their own nature. They were mature enough to know

That man is never less alone Than when alone; tis so with me When in my own large company.

The solitude they sought was a philosophical one; what they really wanted was detachment. Thus Lady Mary Wortley Montagu wrote "In answer to a lady who advised Retirement,"

You little know the heart that you advise; I view this various scene with equal eyes; In crowded courts I find myself alone.

The neo-classicists sought, or so they intimated, a more sincere attitude toward life. They were constantly flying the world, shunning ambition, strife, and care, avoiding fops and fools. Occasionally there is a hint of the oppression of form and convention in society. Thus William Shenstone wrote

I fly from pomp, I fly from plate! I fly from falsehood's specious grin! Freedom I love, and form I hate, And chuse my lodgings at an inn.

We can visualize our comfortable Englishman robbed of the comfort and license of an inn, and forced to conform to new-fangled manners imported from France. Shenstone sounds like a transplanted Falstaff!

Today we know that these poets of the town who painted so well the delights of the country did not know the source of their own powers. At this distance we can say of them what Austin Dobson said of himself:

> On London stones I sometimes sigh For wider green and bluer sky;— Too oft the trembling note is drowned In this huge city's varied sound;— "Pure son is country born" I cry.

Then come the spring,—the months go by,
The last stray swallows seaward fly;
And I—I too!—no more am found
On London stones!

In vain!—the woods, the fields deny
That clearer strain I fain would try;
Mine is an urban muse, and bound
By some strange law to paven ground;
Abroad she pouts;—she is not shy
On London stones!

There remains to be considered a very interesting aspect of the neo-classicist's love of solitude. This is his attitude toward Death. As expressed in the verse of the time it was one of quietness and unconcern:

And, unconcerned, my future state I trust To that sole Being, merciful and just. (Lady Mary Wortley Montagu, 1755.)

As childhood seemed to Wordsworth an isthmus stretching from our previous existence to manhood, so to the eighteenth century poet solitude was a peninsula jutting out into that ultimate sea.

On he moves to meet his latter end,
Angels around befriending virtue's friend;
Bends to the grave with unperceived decay,
While resignation gently slopes the way;
And all his prospects brightening to the last,
His Heaven commences ere the world be past!

(The Deserted Village.)

Let us quote Matthew Green again:

And slowly mellowing in age,
When Fate extends its gath'ring gripe,
Fall off like fruit grown fully ripe,
Quit a worn being without pain,
Perhaps to blossom soon again.
(The Spleen.)

With this discussion of the neo-classicist's feeling about Death we may close this phase of our study. It was one of the chief boons offered by solitude, that it "prepared the soul for Heaven."

III

We come now to the third division of our study, the love of solitude which is intimately related to a love of nature. This, while not the most extensive manifestation of the love of solitude, at least in the earlier part of the century, is by far the most important. It points to Wordsworth. It is well known that Wordsworth was intimately acquainted with this poetry; he discusses it in his essays and prefaces. The influence of the Wartons, of Thomson, of Collins and Cowper in advancing the interest in nature is well known; however, in this study we are concerned only with the interest in nature which grew out of or was related to the love of solitude.

James Thomson's "Hymn on Solitude" contains lines which show that one of the secondary pleasures of solitude is a delight in nature:

Thine is the balmy breath of morn, Just as the dew bent rose is born; And while Meridian fervours beat, Thine is the woodland dumb retreat; But chief when evening scenes decay, And the faint landscape swims away, Thine is the doubtful soft decline, And that best hour of musing thine.

These lines are interesting as showing how the love for nature and the pleasure of "musing" go hand in hand.

Wordsworth's dislike of towns and cities was not at all the dislike of a neo-classicist. His dislike was genuine, not simulated for literary purposes. The following lines from Isaac Hawkins Browne illustrate rather the eighteenth century attitude in this matter:

> Hail ye woods and ye lawns, shady vales, sunny hills, And the warble of birds, and the murmur of rills, Ye flowers of all hues that embroider the ground, Flocks feeding, or frisking in gambols around;

Scene of joy to behold! joy, that who would forego, For the wealth and the power that a court can bestow? I have said it at home, I have said it abroad That the town is Man's world, but that this is of God; Here my trees cannot flatter, plants nursed by my care Pay with fruit or with fragrance, and incense the air; Here contemplative solitude raises the mind, (Least alone when alone) to ideas refined.

The diction is a little too artificial, too "precious" for genuine sincerity; but the last line but one might have been written by Wordsworth.

One of the best expressions of the harmony which exists between Man and Nature is found in the "Pleasures of Imagination," by Marke Akenside. This poet died the year Wordsworth was born. In describing nature's influence on man he tells of nature's bounty to the common man, and says that the attentive mind

wont so long
In outward things to meditate the charm
Of sacred order, soon (she) seeks at home
To find a kindred order, to exert
Within herself this elegance of love. . . .

And again, speaking of the influence of nature on his early years he says:

O ye Northumbrian shades which overlook The rocky pavement and the mossy falls Of solitary Wensbeck's limpid stream; How gladly I recall your well known seats Beloved of old, and that delightful time When all alone, for many a summer's day I wandered through your calm recesses, led In silence by some powerful hand unseen.

Nor will I e'er forget you, nor shall e'er The graver tasks of manhood, or the advice Of vulgar wisdom move me to disclaim Those studies which possessed me in the dawn Of life, and fixed the color of my mind For every future year.

It is obvious that the foregoing is "pure Wordsworth."

The poetry of solitude reaches its highest perfection in Wordsworth. His poetry does not belong to the eighteenth century and no systematic study of it has been made in connection with this paper. However, many of his utterances about solitude are noteworthy. In the "Descriptive Sketches" we find

And Solitude prepare the soul for heaven.

In the "Excursion" (Bk. VIII, 55) he says

Solitude permits the mind to feel.

In the "Prelude" (Bk. II, 96-7) he speaks of Society made sweet as solitude By silent inobtrusive sympathies.

This peculiar influence of solitude on the poetry of Wordsworth has not gone unnoticed by critics. Thus Professor A. C. Bradley says:

The sense of solitude is essential to nearly all the poems and passages that we have been considering. And it is not merely that the poet is alone; what he sees is so too. Solitary figures awakened in Wordsworth "the visionary power." That power seems to have sprung into life on the perception of loneliness. What is lonely is a spirit. To call a thing lonely or solitary, is, with him, to say that it opens a bright or solemn vista into infinity.

And we may finally quote:

The outward shows of sky and earth, Of hill and valley, he has viewed; And impulses of deeper birth Have come to him in solitude.

This is not the solitude of the neo-classicist; this is not the solitude of Pope's "Ode," of Matthew Green, of Isaac Browne, of Thomson or of Beattie. The neo-classicist's love of solitude, as a vital literary influence, died with the eighteenth century. Henceforth the feeling about solitude is entirely different.

It did not remain at the high Wordsworthian level. A quite different feeling about solitude began to grow about the

middle of the century; it is associated with the rise of enthusiasm. The following lines from William Whitehead admirably illustrate the growth of the new mood:

I stop, I gaze; in accents rude,
To thee, serenest Solitude,
Burst forth the unbidden lay;
'Begone, vile world, the learn'd, the wise,
The great; the busy I despise,
And pity e'en the gay.

But there is a change in the poem. "Reason" objects vigorously to this point of view, and argues that the Almighty bids the tyrant passions rage. . . .

> He bids them war eternal wage, And combat each his foe; Till from dissensions concords rise, And beauties from deformities, And happiness from woe.

Knowing the eighteenth century attitude toward "enthusiasm," we can conceive the general reaction to the poem. The desire of the neo-classicists was rather to get away from the raging passions. Thomson, in 1748, had said

The best of men have ever loved repose:
They hate to mingle in the filthy fray.
(Castle of Indolence.)

And Goldsmith, in 1770, was to say

How happy he . . . Who quits a world where strong temptations try, And since tis hard to combat, learns to fly!

(The Deserted Village.)

Whitehead desired concord and happiness; but he desired peace with victory. For the eighteenth century classicist the alternative was, in the Wilsonian phrase, "peace without victory."

The culmination of this attitude is found in Coleridge. Let us note his "Reflections on Having Left a Place of Retirement": Ah, quiet Dell! dear Cot, and Mount Sublime! I was constrained to quit you. Was it right While my unnumbered brethren toiled and bled, That I should dream away the entrusted hours On rose leaf beds, pampering the coward heart With feelings all too delicate for use?

The sluggard Pity's vision-weaving tribe!
Who sigh for wretchedness, yet shun the wretched,
Nursing in some delicious solitude
The slothful loves and dainty sympathies!
I therefore go, and join head, heart and hand,
Active and firm, to fight the bloodless fight
Of Science, Freedom, and the Truth in Christ.

The old humanists of the eighteenth century would have had no relish in such humanitarianism. At this distance in time we are inclined to deplore their aversion to the "filthy fray"; their's does seem to have been an ideal of "peace without victory." But we must remember that the danger of indulging a taste for solitude, in the face of so many problems and evils which call for man's active energies, and which led even Wordsworth to say

I was taught to feel perhaps too much The self sufficing power of solitude. (Prelude, II, 76-7)

did not exist in the days of the old humanists. Most of our present problems and evils came into the world with the Industrial Revolution. And since, as we have already shown, this earlier desire for solitude was no esoteric morbidness, but a healthy desire for the normal and for peace, for repose and like-minded friends—though they were no Lotus Eaters!—it seems to us that these men of the eighteenth century might be forgiven their aversion to the "filthy fray"—even by the "up-and-doing" Coleridge himself! Coleridge was a Rotarian before the need for Rotarians existed!

ORIGINS OF NEW ENGLAND PROTESTANTISM IN NEW ORLEANS

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TO MATTER how overworked and trite an expression it may be to speak of New Orleans as a bit of Europe set in America, it is a phrase one can't refrain from using in an attempt to describe the ineffable charm of France's god-child on the lower Mississippi. If picturesque today, how much more so this city must have been in the 'twenties of the last century when its homes were still fashioned after the architecture of Paris or Madrid; when its people spoke and thought in some alien tongue, and in its coffee-houses toasted with cognac to the health of the exile at St. Helena; when its streets swarmed with the representatives of society from the cottonbroker of London to the "alligator" of the river, each vieing with the other in a desperate effort to amass a fortune before his ship set sail on the Mississippi. Every guidebook and traveller's journal of the period comments upon the last in detail, as if so strange an obsession were peculiar to the locality. but no narrator ever pierced the impenetrability of the silent Creole enough to learn how he reacted to the invasion of his city by New England folk, and since no Edward Bok had set the style in memoirs, the steps by which the psychologies of the two races blended into the homogeneous front that Louisiana presented in 1860 have not been recorded by ante-bellum writers. One of the most fascinating avenues of thought, therefore, and most tantalizing because of the paucity of published source material, is the introduction of Protestantism by the New Englander, the effect of the new creed upon the life and philosophy of the older element of the population, and the influence of the people upon Protestantism-in other words. the blending of the Latin and the Saxon into that religious solidarity which upheld the slaveocracy of the Cotton Kingdom, an amalgamation that took place not on the frontier, but under the benediction of the Roman Church.

The Catholics have recorded the history of their church only in a general fashion, because there was no harder struggle attending its settlement in Louisiana than the papacy was in the habit of associating with all frontier communities; the only two records of the Ursuline convent which have been published are the contract made by the India Company with the order in which the latter are granted eight acres and an annuity provided the sisters operated the charity hospital, and the travelogue kept by the nuns on the journey over. As the nuns were not cloistered in the sense that they are today, and as their schools were the only ones for the masses, they were more in touch with the events of the world than the Ursuline sisters of today. To the garrulous Theodore Clapp we are indebted for an autobiography that is a perfect gold mine, and the volume that details his trial before the Presbyterian Synod of Mississippi is invaluable as documentary proof of the theology of the New and Old Lights. While there are numerous letters of Presbyterian divines in the various biographies, the material for an adequate discussion of the Episcopal Church is lacking since so many of the letters of Bishop Chase are lost, and that for the Methodist denomination is confined to the bits here and there to be gleaned from the scattered accounts of the itinerant preachers. It is a difficult matter for the critic today to draw conclusions. As early as 1855 Reverend Finley, writing on the theme, was forced to say: "Whatever is to be rescued from oblivion concerning the early pioneers of Methodism must be soon done."1

When the evangelist Elias Cornelius landed at New Orleans to bring the heathen back into the fold, the city had the life of a cosmopolitan port. Flat-boats, keel boats, sloops, schooners, brigs—a "forest of masts"—lined the harbor for five and six miles. While merchants and shop-keepers haggled over the assignments of cotton, sugar, molasses, tobacco, coffee, wheat, pork, and silk, quadroons with bandaned heads upon which they skillfully balanced trays walked among the crowd selling cakes, apples, oranges, figs, bananas, pineapples, cocoanuts, and those "liquers" that only the French

¹ J. B. Finley, Western Methodism, p. 241.

can concoct.² Mixed in the crowd were emigrant French adventurers—hair dressers, dancing masters, performers, musicians and the like, "without either religion, morality, or even education, they pretend to be the leaders of the bon-ton, because they come from Paris, and they in general succeed." Also, one must not forget the German redemptioners who were coming over under the same terms as the indentured servants of colonial New England, and in boats so filthy that the moral fibre of the most stalwart was well nigh broken.

Allowing for the fact that the anonymous author of Americans as They Are is a dyed-in-the-wool Puritan, he has left behind as vivid a picture of religious New Orleans as any romanticist could desire.

It was on a Sunday that we arrived; the shops, the stores of the French and Creoles were open as usual, and if there were fewer buyers than on the other days, the coffee-houses, grog-shops, and the estamints, as they are called, of the French and German inhabitants, exhibited a more noisy scene. . . . This little respect paid to the Sabbath is a relic of the French Revolution and of Buonaparte, for whom the French and the Creoles of Louisiana have an unlimited respect imitating him as poor minds generally do. . . . To a newcomer, accustomed in the north to the dignified and quiet keeping of the Sabbath, this appears very shocking.⁴

Though it boasted of a population of 27,000 in 1817, Reverend Elias Cornelius, a Presbyterian missionary to the West, found on his arrival in New Orleans but one Protestant clergyman, an Episcopalian, definitely established, and a stray Baptist and Methodist "cavalier," neither of whom had been able to gather a flock. Why the young Cornelius should have found a group ready to organize in view of the failure of the others, is difficult to explain: it may have been because of the New Englanders, natives of New York, Connecticut, and Massachusetts, who were Presbyterians, or because the newer evangelical creeds in the hands of raw frontiersmen were too crude to satisfy the sophisticated merchants, as will be ex-

View of the Mississippi Valley, p. 281. Americans As They Are, p. 172.

Idem., p. 173.

Idem, p. 146. For similar view, see View of the Mississippi Valley, p. 281 ff., and Norman's Guide to New Orleans.

plained later in dealing with the Methodists. Certainly, no better exponent of Presbyterianism than Dr. Cornelius could have been found: a graduate of Yale College, a product of Andover in Dr. Dwight's régime, a man who could make peace with the Indians and at the same time preach sermons of re-

ligion, not of theology, to be proud of.5

Writing from Andover three years previously, he says: "We have agreed to unite in a secret concert of prayer every Sabbath morning at sunrise, for a revival of religion in college. Will you and your brethren unite with us?" Many must have been his sunrise prayers before Presbyterianism was properly rooted in New Orleans! During the meetings which preceded the formation of the Presbyterian church, when the reverend had resorted to all forms of persuasions, a prominent lawyer arose and suggested that voting should be postponed until the assembly felt certain the organization of the new denomination would not injure the success of the Episcopal Church. Reverend Hull, pastor of that faith, having been consulted, and having raised no objections—in fact, having given a generous contribution—proceedings continued.

The First Presbyterian Church was on St. Charles Street, between Gravier and Common in the Fauxbergh St. Marie, the residential section of New Englanders, but Cornelius did not stay to see the church built: at his suggestion, Sylvester Larned (1796-1822) of Pittsfield, Massachusetts, a graduate of Williams, Andover, and Princeton, a student of Dr. Dwight and of Professor Stuart, was sent the call in 1818. His story is a chapter in Louisiana history the pages of which one turns with reverence. This boy preacher while proselyting in Kentucky had gone before the State Legislature, then in the bad grace of its constituencies for too pronounced grafting, and had preached on "Christ as Thy Guide" to a spellbound audience that temporarily forsook the ways of Satan. His success in New Orleans was as striking. Toiling among the ill

B. B. Edwards, Memoirs of Dr. Cornelius.

^{*} Idem., p. 32 ff.

¹ Idem., p. 99.

^a R. Gurley, Life and Sermons of Sylvester Larned.

during the epidemic of 1822,9 he fell a victim to cholera at the age of twenty-two—the most beloved Presbyterian clergyman of New Orleans, save Dr. Palmer. Perhaps his death was opportune; at least, he was spared the contumely heaped upon Theodore Clapp, his successor. Still swaved by the philosophy of old Dr. Stuart, who Theodore Clapp later wrote, did more to bring about the religious upheaval in Harvard "than all the Unitarian writings combined," and practical and sane enough to divine that the Mrs. Rosses and the Mrs. McNairs were not going to focus their lorgnettes on one who delivered hell fire and damnation sermons. Sylvester Larned preached a philosophy as broad as congregational New England could have sought. Did he perceive that failure to do so was why the Methodists made no headway? Certainly if it had not been for Sylvester Larned, the Presbyterian church would not have taken root in 1820 in New Orleans, as the city was then socially organized. Take, for example, a typical paragraph of his sermons, marked for logic, suavity. and polish.

I wish to be informed who wrote the biography of our Savior. We have often wondered that the authors of the letters of Junius, and of the poems of Ossian, could have resisted the temptation of declaring their names. But to have composed out of raw material such a production as the Life of Christ; to have combined so raw and faultless a system of morals; to have delineated a perfect character so completely that enmity itself can discover no defect; and all this 1800 years ago, when the greatest philosophers of the age had been unsuccessful in similar attempts; that any mere man should have done this, and especially that he should have concealed his name, and not only so, but should have palmed the whole upon another, is one of those logical probabilities that I confess myself unable to comprehend.¹⁰

Reverend Hull of the Episcopal church has been mentioned as having contributed to the Presbyterian funds. What was the attitude of the papacy? One would expect to see it antagonistic to any sect that might break its religious hold on

New Orleans was visited by cholera or yellow fever every other season. The people were too used to death for us to argue that an epidemic had anything to do with a religious revival.
**Gurley, p. 138. For eloquence, see Edwards, Life of Cornelius, p. 98.

a section of the country which it had dominated so long. The guide books refer to the Creoles who sit in seclusion, 11 indifferent to the civic improvements being wrought by the Yankee. For some reason there was a strange lethargy among the Romanists similar to that one reads of in the Anglican Church at the time of the American Revolution: their missionary efforts among the Indians and the up-state half-breeds had ceased, according to the Methodist itinerant preachers. and even granted that such exaggerations would mean larger donations from philanthropic minded brethren in the North. the reports are too consistent and too persistent to lack plausibility. True, it was at this time that there was discord between the Mississippi Valley parishes and the Roman See as to whether or not the Spanish custom of permitting the trustees to control the finances of the church should prevail. The case of Father Antony Sedella may be used by way of illustration. He and two comrades defied the authority of Bishop Du Borg, of St. Louis, in charge of the Mississippi Valley dioceses and claimed their offices "by virtue of a popular election called by the Common Council."12 So keen did the fight become, Sedella's faction threatened to petition Congress to incorporate the trustees and "make them free from any interference of a bishop in the appointment or removal of priest or the management of the temporalities." In 1826. Pope Leo XII issued an edict against the trustees of St. Mary's church, in New Orleans, called "Quo Longuis," but so futile was the big stick at Rome that eleven years later the trustees of St. Louis Cathedral in New Orleans mortgaged their bishop's church for \$200,000 to carry out private projects of their own and paid an agent \$2000 to effect loans in Europe. 18 According to the Louisiana Advocate, the same Father Sedella, the last of the Capuchian Mission in Louisiana, died in 1829 while still an active clergyman, and was buried with all the pomp dear to the heart of the Frenchman. By a special order of the Grand Lodge of the state, all the

¹¹ Americans As They Are, p. 124.

¹³ J. G. Shea, History of the Catholic Church in the U. S. from 1808-1866, Vol. III., p. 356.

²⁴ Idem.

lodges of Free Masons turned out in full regalia and Mrs. Grundy whispered he was a Mason in good standing!

Brother Elisha Bowman, an itinerant of the Methodist Church who had been sent to Opelousas by Bishop Asbury. records in a letter to his fellow-worker. Brother Burke:

Here I found a few Americans, who were swearing with almost every breath; and when I reproved them they told me that the priest swore as hard as they did. They said he would play cards and dance with them every Sunday evening after mass. And, strange to tell, he keeps a race-horse; in a word practices every abomination. I told them plainly if they did not quit swearing they and their priest would go to hell together.14

This is evading the issue that there was in the Catholic Church around 1820 a liberalism that lacks explanation. I hazard the guess that Rome as yet felt no competition in saving souls, using a current argument advanced by sociologists that antipathy is bred of competition. In his journal, Elias Cornelius makes a notation that would be pertinent in a study of papal theology on the frontier. He has won the friendship of a Roman Catholic priest who has read critically Dodridge's Rise and Progress of Religion and Chalmer's Christian Revelation with enjoyment, who does not believe in the infallibility of the Pope (though, of course, in 1818 it had not been reasserted as dogma "ex cathedra") nor that of anyone of his spiritual subjects, who believes that each individual could answer to God but that it is "necessary to require an universal assent to the creed of the Holy Catholic church" because many can't comprehend all the doctrines of the scriptures and would fall into error if not made to walk the narrow path. 15 This might be interpreted as the reflection of an iconoclast, but in the files of the Louisiana Courier for 1822 is a tale similar to that of Father Sedella's end. A Catholic communicant of the parish of Baton Rouge was laid out in a coffin that bore the Masonic emblems, and consequently the father confessor refused to bury the deceased with the rites of the church,

²⁴ A. Stevens, History of the Methodist Episcopal Church in the United States, Vol. 4, p. 402.

Edwards, p. 105.

whence a group of parishioners-all of the elite French families-petitioned the archbishop in New Orleans to stop such narrow-mindedness and insisted on his reprimanding the priest.

Theodore Clapp, Sylvester Larned's successor, had the same social entree to the homes of the Catholic priests as had his predecessor: breakfasts when the fathers donned laymen's clothes were in vogue, but Mr. Clapp never learned their secret of acquiring wealth from the congregation, he laments. The First Presbyterian Church had been built by subscriptions and a loan of \$10,000 from the City Council, 16 but when Mr. Clapp took charge in 1822 a debt of \$45,000 had been accumulated. because New Orleans folk, while willing to attend church. were too indifferent to contribute.17 Hence the trustees applied to the state legislature for permission to use the lottery, and the scheme was sold to the agents of Yates and McIntyre for \$25,000;18 the balance was loaned by Judah Touro,19 a Hebrew merchant of New England, now a resident of New Orleans who, although he never attended service, carried the church for years, even paying the salary of its minister and remonstrating gently when the bills were too high. The lottery proved profitable, but so illogical is man that a later minister of the same church, Dr. Palmer, has gone down in Louisiana history not for his Thanksgiving Address, but for his having abolished the lottery in Louisiana in 189320 after so strenuous a campaign that every grandmother to this day will tell the story.

Then evil days fell upon the First Presbyterian Church. because that same congregation that had been persuaded to organize by the evangelist Elias Cornelius, that would not pay its debts but was willing to see the House of God sold by the sheriff to be leased to the congregation for \$1,500 a year,21

T. C. Johnson, Benjamin Morgan Palmer, p. 176.
 Americans As They Are, p. 183.
 T. Clapp, Autobiographical Sketches and Recollections During a Thirty-Five Years Residence in New Orleans, p. 94 ff. Also advertisements in La Courier.

^{&#}x27;Idem, p. 101 ff.

[&]quot; American Church History, Vol. XI, p. 420. "Heroic, drastic, effective measures of Dr. Palmer."

Americans As They Are, p. 157.

got religion, attacked the Reverend Clapp, its pastor, for having failed to pronounce Calvinistic doctrines—in fact, they asked for revival meetings as were being held in the northern Presbyterian churches—and made an affidavit against the pastor to the Presbyterian Synod of Mississippi.

The much discussed Theodore Clapp was a college friend of Sylvester Larned, was born in 1792 into an Easthampton, Massachusetts, family that prided itself on its Calvinistic atmosphere. A student of Yale and Andover, he had imbibed the same theological doctrines as had Sylvester Larned, and had had much the same experiences in life as student and as visiting preacher along the beaten path of travel from Connecticut to Louisville, Kentucky. Later, he was fond of referring to his doubting days at Andover, but his first sermons in New Orleans do not indicate radical tenets or the thoughts of a man wracked by theological perplexities.

On November 23, 1823, in the first days of organization. nine males and fifteen females had been admitted to communion (that is, had joined the church) and had asked to join the Synod of Mississippi. Ten years later, Reverend Clapp was asking for dismissal from the Presbytery to join the Hampshire County Association of Congregationalists. What had happened? It was just at this time that the Northern Presbyterian church, a union of Presbyterians and Congregationalists under a most liberal constitution and system of dogma, drifted into the rival factions of "New Lights" and "Old Lights"22 which differed on whether or not the whole of mankind became responsible with Adam for his sin, on the nature of atonement, on whether or not man's "morality," he being born depraved, was "communicated only by sovereign grace." Dr. Barnes was at this time summoned before the Presbytery in Philadelphia for trial; in 1832, Reverend George Duffield, pastor of a church in Carlisle, Massachusetts, published a book on Spiritual Life or Regeneration; a Dr. Beecher was tried in Cincinnati²⁸ for heresy. When the storm

²⁸ The whole story is given in Z. Crocker: The Catastrophe of the Presbyterian Church in 1837. Published in 1838.

¹¹ Idem, pp. 75-84.

was over, the Congregationalists and Presbyterians severed connections. The same deacons who had ushered Mr. Clapp into his pastorate took part in his trial, and in 1833 asked him to resign. The proceedings, while dull, are good as a summary of the theological logic of that year, and show that he was charged with having taught doctrines inconsistent with the Confession of Faith and Catechism, for having denied the doctrine of the Holy Trinity as taught in the Confession of Faith and Catechism, in as far as he denied the "personal properties of the Godhead," and for having denied the "efficacy of intercessory prayers." As the pompous Reverend Potts, head of the Synod, his arch-enemy, would have said: "He was a Latitudinarian," but worst of all, the heretic did not believe in a literal hell, and saw no reason why Unitarians, if honest, moral, truth-seeking men, should not go to Heaven.24 (If you remember, Judah Touro, a Hebrew, was paying his salary.)

This sudden cloud-burst of fervid doctrine in happy-golucky New Orleans is not so easy to explain. There was no desire to dispose of Mr. Clapp as minister, because almost the whole congregation staved with him after the verdict of the Presbytery was published to form the First Congregational Church, and the coterie of revolting elders were left to worship in a warehouse in the neighborhood. No charge of immorality was brought against him. His only lapse from ministerial austerity was the charge that he permitted a ball of Negroes and whites to be held for the benefit of the New Orleans College, over which he presided, and he was accordingly fined \$20 by the mayor.25 One is prone to speculate whether Mr. Clapp remembered this incident when he conversed and agreed with Carlyle on the biblical proof of slavery and of man's inequality in the sight of the Lord. Also, when people left New Orleans as speedily as possible because yellow fever was raging, he did not return to the city from the country to do his duty as the Good Shepherd—a nice bit of human philosophy!

²⁶ Summary of the trial. See Report of The Trial of the Reverend Theodore Clapp Before the Mississippi Presbytery at their Session in May and December, 1832. Also, T. Clapp: Theological Views Comprising the Substance of Teaching During a Ministry of 35 Years in New Orleans, especially Chapter VIII.

²⁵ Trial, p. 98.

A comparison of Theodore Clapp's sermons with Sylvester Larned's, shows that he was not fundamentally more radical unless Larned deliberately concealed his real self; certainly, he was not a Deist; he accepted the Bible not with the gullibility of the Fundamentalists nor the limitations of the Modernists. "Make yourself well acquainted with the Bible-It can tell you who God is; what he intends to do with you; why you have been created; what is your eternal destination."26 Again. "The Sacred writers do not attempt by logical reasoning to prove the being of God. They simply assert that we have been created to reverence and worship, honor and adore, love and serve that all glorious Creator whom we see, as he has made himself known in your firmament, sun, stars-in our bodies with their wondrous mechanism." His was not logic par excellence. "To overthrow the Bible, it must be proved to be spiritually untrue. Imperfections only show the antiquity of the ages."27 Yet just as Mr. Clapp had interpreted the Bible. so might his flock; religion with children, even though religion was revealed, was moral growth. This was what shocked the elders and deacons so. If Mr. Clapp was broad, how narrow must have been that element in the Synod that expelled him, and this was in that New Orleans which a few years before the Methodists had called the den of atheistic French philosophy!

It is interesting to note that the volume of the proceedings of the trial does not bear the name of the author, nor is it likely that it is a publication of the Presbytery, since the preface is devoted to quotations of the liberality of Dr. Channing and denunciation of those who lean on established orthodoxy; further, it says that the Presbytery got its information from peddlers and itinerant preachers. Why did the Synod let so

good a chance to proselyte slip from its fingers?

New Orleans has never created a philosophy; it has driven from its midst its Cables and its Lafcadio Hearns, and ignored its Smiths, and while it boasts of a freedom and a nonchalance, it wants to make sure its religion is in "good form." The dea-

^{*} T. Clapp, Theological Views, p. 20. Idem., p. 98.

cons of the First Presbyterian Church have walked down its aisles with no less eclat and ceremony than the Charlestonians attended St. Cecelia's balls, and the deacons of 1833 sensed public opinion when they bade Mr. Clapp good-bye. They did not want a "way of life," an ethical culturist philosophy of a Dr. Adler, but they wanted a religion of reward and punishment. Who was going to hell under that system was easily seen-certainly not the deacons of the First Presbyterian Church, who were men of "big business," much interested in public improvements (Norman writes in his guidebook that all improvements were made by New Englanders), continually getting seats in the city council.

Dr. Clapp's church was prosperous for awhile—at least the gentleman tells of the people who met him in Europe and remembered having heard him preach, but his life bubbles over with conceit. The church was rebuilt, again with funds of the Jewish benefactor, Judah Touro, but finally the preacher departed for Louisville, Kentucky, and so did Congregationalism from New Orleans. To adhere to a sect bordering on Unitarianism branded one in many respects as "queer." However, the deacons, worshipping in the warehouse, built a church in the Fauxburgh St. Marie opposite Lafavette Square, dedicated it to Calvinism, to eternal damnation for all who did not accept the Scriptures literally, and in the course of years introduced as, I would almost say, a dictator, Dr. Palmer. But that story is after 1833.

While this trend towards religious solidarity was germinating as solidarity and conservatism in politics grew, a figure stood out in bold relief in Alexandria like a lonely sentinel of Puritan idealism. This was Timothy Flint, who preferred the village life of the Indian country to the Fauxburgs St. Marie or Daumois: the author of a geography of the Mississippi valley, editor and critic, a Presbyterian but not a Calvinist, an advocate of Unitarianism of the Channing type as best embodying the Puritan ideals, a convert to experimental religion,28 and the deepest religious poet of New England to be found in Louisiana.29

J. E. Kirkpatrick, Life of Timothy Flint, p. 283 ff.
 Western Monthly Review, Vol. I., p. 528 has a good example of his poetry.

The Protestant Episcopal Church, while it antedates the Presbyterian, does not hold the center of the stage until 1844, when the Oxford Movement rent it in twain, but, as is to be expected, it followed in the path of the Calvinists. was organized by New Englanders. In 1805, a meeting was called with fifty-four attending; forty-five ballots were cast for the Anglican Church, seven for the Presbyterian. one for the Methodist. 30 Reverend Philander Chase of New York was called—New York furnished its ministers was introduced to New Orleans society by John McDonough and Edward Livingston, and supervised the construction of a chapel on the corner of Canal and Bourbon. The war with England wrought havoc; in 1816 Dr. Hull was sent down; on his death (1833), the church again was closed, but Bishop Brownell of Connecticut came to the rescue, and persuaded Reverend Nathaniel Wheaton, also of Connecticut, president of Washington College (now Trinity) to take the post.⁸¹ Hence there was no definite policy until the arrival of Bishop Polk, a contemporary of Dr. Palmer, but there was no antagonism to the sect; it was too close a sister to Catholicism.

The attempt of the Methodists to get a foothold was combatted, however; their earnest evangelism was met with stony indifference, and only the persistence of their New England itinerant preachers wedged a niche at last in the religious life of New Orleans. One of their bishops said it took the break with the mother church over slavery and the Civil War to win popularity. Timothy Flint once remarked that he did not care for the Methodist "Manual of Exercise"; neither do I believe did the New Orleans people. St. Louis Cathedral with its solemnity, its candles, its black garbed children before St. Rita's shrine, with heads bowed low in prayer under their bombazine sun-bonnets, with its aged beadle who in a Louis XIV costume of vivid hue led the bridal procession,—how could it do aught but encourage formalism and ritualism in worship! Even the Presbyterian Mr. Clapp, while

²⁰ W. S. Perry, History of the American Episcopal Church, 1857-1883, Vol. II, p. 214.

²¹ Idem., p. 215 ff; p. 270 ff.

he could not burn candles in his own church, loved the Roman service as he reiterates in his autobiography, and he imitated its dignity.

Bearing in mind the religious psychology of the people of New Orleans as depicted earlier in this sketch, recall for a moment the conversion of a sinner to the Methodist fold, and visualize the reaction of a cosmopolitan folk to such meetings. "The people fell on their knees, and groans and prayers were mingled. This work continued during the remainder of the day and of the night. Over one hundred souls professed conversion around that table."82 And one of the converted was no other than Brother Nolley, the itinerant preacher to New Orleans. No less hysterical was the conversion of the itinerant Burke, and perhaps more similar to the experiences mentioned in the sketch of practically every "western cavalier"; in fact, such men felt that they had not "seen God" until they had been emotionally unstrung. Typical was the experience of Finley:

On Sunday morning early I betook myself to the woods and wandered about and prayed earnestly for deliverance. At nine o'clock the lovefeast began. I can not recollect much that was done. I fell senseless to the floor, and the first I can recollect I was on my feet giving glory to God in loudest strains, to the astonishment of many.33

Hence the story of Methodism in New Orleans from 1818 to 1833 is sketchy. In 1805, Bishop Asbury had sent Elisha Bowman34 to carry the love of Wesley to "Macedonia," but his success was negative, and his bits of letters that have been preserved are the cry of blighted hope and weariness. "Every day that I travel I have to swim through creeks or swamps, and I am wet from my head to my feet, from morn to night dripping with water." Two years later, 1807, Jacob Young penetrated the Mississippi wilderness, "the vows of the Almighty upon him," but what hap-

²⁸ A. Stevens, History of the Methodist Episcopal Church in the United States,

J. B. Finley, Western Methodism, p. 25, 26.
 Stevens, Vol. IV., pp. 399 ff.; J. Jones, Complete History of Methodism as Connected With the Mississippi Conference of the Methodist Episcopal Church

South, p. 81.

pened to him is lost. About this time, Axley, later the illustrious bishop, was sent to the Catahoolah and Washita Circuits (Opelousas), but never ventured to go to New Orleans. One can imagine that a hero who was so spiritual that he had to ask his sweetheart to kneel in prayer "for God's guidance" before proposing to her, could not really enjoy Creoles or they be attracted to him. It would seem that Franklin. Opelousas, and Natchitoches were then northern settlements. and that circuits on the Red River were well under way. Also, there is a tradition that in Opelousas the famous Bishop Axley built a church with his own hands. What fate held in store for John McClure (1811), Miles Harper (1813), and Randall Gibson are not recorded. 35 One wishes the story of William Winnan were more carefully recorded: isolated facts are that he was a native of Pennsylvania (1778), an intimate friend of President Harrison, an itinerant of the Vincennes Circuit, a visiting evangelist to New Orleans in 1813, and "as an agent" was connected with Centenary College. To Mr. Stevens we are indebted for the information that he became a slaveholder "under domestic necessity" and took part in the slave controversy at the General Conference of 1844 in New York, where the secession of the Southern Methodist Church was initiated, "throwing himself upon his opponents as an anaconda on its prev, circling and crushing it."

Hence it is clear that the Methodists started in the upper part of the state and moved south, while the other churches started on the lower part of the river and worked north. There are two dates for the genesis of the church in New Orleans; Mr. Martin in his history of Louisiana⁸⁶ gives 1821, but other chroniclers give 1826, for in that year a lot in the Upper Fauxburgh on Gravier was purchased, the title-deeds being made out to Judge McGehe. In line with what has been said above, it is worthy of note that there were 23 whites and 60 colored people who organized the first church;⁸⁷ hence it is a certainty

³⁵ Stevens, Vol. IV., p. 430 ff.

^{* **} F. X. Martin, *History of Louisiana*. Especially appendix being Condon's Annals of Louisiana, p. 419.

^{at} Jones, p. 80.

that the Methodists were not popular with the ruling strata of society, but that they did appeal to the emotional Negro; also this is a bit of information, worthwhile, on the color line in New Orleans. Brother Falley first had charge; then Brother Greaves, a northerner, came South, but in spite of his zeal (he had a Bible class of 75 colored children whom he taught to read the New Testament) a story of his having taken money from the treasury was circulated, and the welfare of the church suffered.⁸⁸

As off-shoots of the churches were the schools, for at that time there was no public school system in New Orleans. Mr. Clapp was head of the New Orleans College that died prematurely; Reverend Shute of the Episcopal Church opened the first elementary public schools for the masses; the Methodists chartered Centenary College; Judah Touro paid the expenses of the first Free Public Library, managed by the above men-

tioned Mr. Clapp.

As these Protestant church-goers became conservative in religion, they became hide-bound in politics, and those New Englanders whose fathers were nurtured on abolitionist sermons measured their wealth in slaves, as the cotton and sugar areas spread; the nature of Adam's sin in Eden was forgotten, so busy were clergymen upholding the doctrines of slavery to those who endured the indolence of tropical heat in the front pews of the churches of the Fauxburgh St. Marie. How soothing must have been the thought of palmettos in the hands of a Nubian! By 1840 the philosophy of Calhoun is upheld. Logically, those denominations that had forgotten their frontier experiences were the first to defend the institution of slavery, to justify it by Scriptural quotations and to answer God's call to care for their black members. Among the first to answer the summons was Dr. Palmer of the First Presbyterian Church. His sermons have been preserved; in tone, they parallel what was being said in Charleston, in Richmond, and in Nashville, and his Thanksgiving Address, bolstered with many quotations from the Scriptures to uphold

ss Idem., p. 143.

slavery, in which he threw down the gauntlet, is perhaps the frankest. A young man, Dr. Polk of Trinity Church, followed in his footsteps, and midst the tears of his congregation exchanged the surplice for the uniform in 1861. His career in the Confederate army southern grandmothers still retell their listeners, but much of the firsthand data was lost in a fire that destroyed the records of the Episcopal Church. The Methodists were non-committal; the Baptists expressed disapproval in their local conventions. As those were not the days of the Associated Press when reporters were in evidence in every public gathering, the sermons are not preserved; anyhow, it is doubtful if they would have been printed in papers which they did not own.

Perhaps I have stressed the matter of solidarity too much. A glance at a map of 1860, such as that in Professor Fish's "Development of American Nationality," shows that a large area around New Orleans cast its lot with Bell, of the Unionist Party. Who voted that ticket? Also, in the years just preceding the war, the presiding officer or else dominant figure of the Louisiana Baptist Association, which met in annual convocation and which the New Orleans brethren attended, was no other than a Negro, a Brother Willis, who as a lad was a Marion man.³⁰ His diary is lost, but the convention programmes are tucked away in the archives of New Orleans.

So that small minority of settlers from the Atlantic seaboard who first set up the régime of a church outside the pale of Rome, later advanced a new economic system to compete with the one already established in the East, and, lastly, dictated to the city council what its politics and philosophy should be. How this was accomplished is another story, but always was the pulpit the mouthpiece, the organ of publicity. Certainly in the balmy days of Puritanism no elder could have wielded the big stick more efficiently or efficaciously, and many a ghost of Plymouth must have sighed at the chance he missed. Will some historian come along some day and prove that the story of New Orleans is another example of minority rule? I wonder.

[&]quot;Letter to the writer from the grandson of Joseph Willis.

THE ECONOMIC BACKGROUND OF SOUTHERN POPULISM

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T

THE SOUTH emerged from the chaos of the Civil War only to fall into the deeper confusion of reconstruction. It took ten years to restore white rule. When that had been accomplished the southern people sank into an apathy of exhaustion and hopelessness. There was reason for discouragement. No restoration of white dominion could shift from their shoulders the burdens imposed upon them by the destruction of war and the mad extravagances of the reconstruction governments.

The per capita war debt of the South has been estimated at three hundred dollars. Included in this calculation is the share of the national war debt paid by the South and that portion of the pensions of Union soldiers which was paid with southern taxes. The fact that they were labelled "taxes" and not "indemnities" cannot alter the fact that economically their effect was the same as that of an indemnity. They drained from the country money which was sorely needed to repair the ravages of war.

The destruction of property during the war had been great. From one-fourth to one-third of the existing property had been destroyed and the loss in property value was more than a billion and a quarter of dollars. These figures do not include the value of the slaves freed by the Emancipation Proclamation, but represent decline in land values and destruction of capital—animals lost, farm implements ruined,

buildings burned, railroads and bridges destroyed.1

To replace these losses the South had neither money nor credit. Confederate currency was worthless and no bank capital commensurate with the demand for credit could be

¹ J. R. Sellers, "An Interpretation of Civil War Finance," American Historical Review 30:296; "Economic Incidence of the Civil War," Mississippi Valley Historical Review 14:183.

found. Few southern banks survived the war and there was no security with which to gain credit from foreign capitalists. Before 1860 the plantation owner could offer, as collateral, his land and his slaves. In 1876, there were no slaves and the steady depreciation in the value of farm land made it inadequate security for large advances of credit.

Moreover, the credit problem of 1876 was very different from the credit problem of 1860. Then the borrower had been a plantation owner doing business on a large scale, offering security in terms of hundreds or thousands of acres of land. Such lending paid the cost of investigations and risk of loss, and then left a handsome commission to the lender. By the end of the period of reconstruction, however, the process of breaking up the large plantations into small holdings was well advanced. The credit problem was no longer the problem of securing loans for the large borrower to enable him to finance a crop of hundreds of bales of cotton. It was the problem of financing the small farmer with a few acres of land measuring his cotton production in single bales. His land holdings were too small and the credit he sought too limited to make banks and large capitalists interested in lending to him. Sources of credit which were open to the plantation owner were closed to the small farmer.2

To the problem of devastated and impoverished land and impaired credit must be added the problem of a demoralized labor supply. Nothing gave the farmers so much concern as the handling of labor. The records of agricultural societies show few meetings which failed to devote a large part of the time to discussion of the supervision and control of labor. The Negroes were irresponsible. They were much concerned about their privileges, but thought little concerning their duties. If they were paid in cash, they spent the money recklessly and had to be fed by the employer in addition to their wages. If they were paid in food, weeds destroyed the crop while the laborers worked at something else to earn spending money. They resented supervision as an

³ Henry W. Grady, "Cotton and Its Kingdom," found in Joel Chandler Harris, Life of Henry W. Grady (N. Y. 1890).

attempt on the part of their former masters to restore slavery. They disappeared at critical times when there was hard work to be done. Many a farmer had to stand helplessly by and see his crop ruined while his laborers drifted away for a holi-

day in the city or at a camp meeting.

Some of the planters gave up all effort to till their land. The census of 1890 shows that the state of South Carolina had four hundred thousand acres less of improved farm land in 1880 than it had in 1860. Alabama, Tennessee, and Louisiana all had fewer acres of land in farms. All through the South there was a decrease in the size of farms and a decrease in the number of farms tilled by the owners. On the other hand, the number of farms increased as did the number of farms tilled by cash and share tenants. Many of the plantations were divided up and rented to tenants either for cash. or for a share of the crop. When this was done the landlord found it necessary to furnish a large share of the capital, as well as the land for the production of the crop. The tenant had little to contribute except his labor and must be supplied with tools, seed and animals. Often he needed "store credit" or food to keep his family until the crop was harvested and sold, and when this credit was given it often happened that the crop was not sufficient to repay the loans and leave anything for the payment of rent.

The tenants ruined the land. "In a few years they turn the farms back to us," stated one land owner. "The fields are all seamed and furrowed with washes and gullies, the improvements fallen into decay—a sort of galloping consumption as it were—the bottoms all turned out to brushes and briars, the ditches filled up, and the fences but a wreck of their

former selves."3

Under these conditions the land steadily decreased in value. In 1890 the value of farms in the United States as a whole was more than double what it had been in 1860, the increase in round numbers being from seven to fifteen billions of dollars. The South, however, had not kept pace with the rest of the country. The records show that the total valuation of

² Proceedings of the Alabama Agricultural Society 1888, page 93.

farms in the eleven southern states was only \$93,000,000 more than it was in 1860. Texas was a frontier state in 1860 and profited by the westward expansion which followed the war and by the development of the cattle industry. If the rapid growth of Texas is ignored, the balance of the South on the credit side of the ledger becomes a debit of \$268,000,000. Much of the increase in wealth of Florida and Arkansas should no doubt be attributed to the same causes. Only one other state (North Carolina) showed an increase in the value of its farm lands over that of 1860. In the seven remaining states the farms were worth \$416,000,000 less than they were when the census was taken in 1860. The decreases range from \$137,000,000 in Louisiana to \$27,000,000 in Tennessee.4

II

Between 1870 and 1890 the South had gone cotton mad. In the years immediately following the war the price of cotton had been high. The world was eager to replace the supply which had been depleted by the years of scarcity when almost no southern cotton reached the world markets. Cotton was a crop which could be turned into money readily and the bankrupt farmers looked to King Cotton to relieve all their distresses. Twenty years later, however, the King appeared to thoughtful observers as an Old Man of the Sea, impeding the progress of the South toward prosperity. The rapid increase in production (aided by appreciation in the value of the dollar) had caused the price to drop from fifty cents to seven cents in the New York market by 1894. The farmer, of course, received less than this and local market prices dropped as low as five cents in that year. After 1880 the market price of cotton did not equal the cost of production.

Nevertheless, the farmers gave all their efforts to cotton culture. Each year the size of the crop was larger and each year its value was less in proportion to the size of the crop, for while the total value of the crop increased, the selling price per pound declined steadily. After 1890 the total value of the

^{*}Report of Statistics of Agriculture in the United States at the Eleventh Census: 1890 (Washington 1895).

crop began to show a decrease. For example, the crop of 1890-91 amounting to 8,652,597 bales, was sold for \$429,729,-047. But the next year's crop was 382,782 bales larger and brought a return of \$38,267,331 less than the crop of the preceding year. Four years later the situation was even worse. The crop of 1894-95 was 9,901,251 bales, an increase of 1,248,-294 bales over that of 1890-91, but its value was only \$289,-809,616, a decrease of \$139,982,431. But still the farmers planted cotton from sheer inertia. They had always grown cotton. They understood how to do it and they were reluctant to break into new lines of cultivation.⁵

The cost of cotton production was enhanced as the soil became exhausted by the fact that no crop could be made without the use of fertilizers. The quantity of live stock on the farms was badly depleted and this fertilizer had to be commercial fertilizer rather than manure. Even such domestic fertilizer as it was possible to secure was not used, the farmer preferring the more expensive but less troublesome commercial product. As the price of cotton fell, the cost of fertilizer absorbed more and more of the farmer's profits, or if there were no profits, carried him deeper and deeper into debt.

There were many voices lifted in the South to emphasize the danger inherent in the one crop system. As early as 1881 the National Cotton Planters Association was calling attention to the fact that the South did not produce as much grain as it consumed by 286,698,000 bushels. In addition southern farmers were buying more than four million tons of hay at thirty dollars per ton. When to these sums were added the \$32,000,000 spent for fertilizer there was no profit in growing cotton.

The South was impoverishing itself and enriching the rest of the country by its one crop system. North Carolina did not raise its own household supplies and it bought commercial fertilizers while allowing the domestic fertilizers to go to waste. Virginia bought its flour and bacon from outside the state. Texas imported its flour and lard. Maine sold thousands of

M. B. Hammond, The Cotton Industry (N. Y. 1897) p. 168.

^a Ibid., page 136.

pounds of butter in Georgia at a profit. Meanwhile the southern farmers sank deeper into debt and continued to raise eight cent cotton.

Briefly stated, the problem of the agricultural South was this: to secure credit in small quantities for a farmer who had nothing to offer for security but his labor, or his labor and a few acres of poor land which was decreasing in value, and which was devoted to a crop which was bringing a constantly decreasing return. This problem differed from the credit problem of farmers everywhere only in degree. The farmer in all places and at all times has found the problem of securing credit much more difficult than has his urban neighbor. This is true because the farmer, much more than any other business man, is engaged in speculation. His ability to carry his business venture to a successful conclusion is determined. not by his own ability or integrity, but by such uncontrollable things as rain, wind, hail and frost. Any farm loan involves a degree of risk which is absent in most other legitimate businesses and for this additional risk the farmer must pay in higher interest rates and in generous commissions to any lender who is willing to assume it.8

The three ways in which it became possible for the Southern farmer to secure credit were: first, by sharing his crop with the lender; second, by giving a mortgage or lien upon his growing crop; third, by giving a mortgage upon the land which he owned. The first two methods were available to the tenant. The second and third were open to the farmer

who owned his own land.

Crop sharing made it possible for the farmer who had no capital and the landowner who had no money to enter into partnership. The tenant and the landlord divided the crop between them in an agreed proportion, the share which each received depending upon the contribution which each had made to the production of the crop. It was really a method devised to meet the needs of a community in which there was too little money to make it possible to do business on a

1 Proceedings Alabama Agricultural Society 1888, p. 38.

^{*}Clara Eliot, The Formers Campaign for Credit (N. Y. 1927), p. 30.

cash basis. In poor crop years it divided the losses between the landlord and the tenant and forced the landlord to share the losses of his tenant. In good years, on the other hand, it gave him a larger share in his tenant's prosperity than he could have had if the tenant had paid a cash rent agreed upon before the crop matured. Unfortunately, when cotton began to drop in price all the years were lean years and both landlord and tenant suffered.

From the landlord's point of view there were many reasons why the system of crop sharing was unsatisfactory. Tenants took no care of the land. They were hard to direct. They were reluctant to try new methods. They were satisfied if they eked out a bare living, and refused to be concerned if farming did not show a profit out of which the landlord could secure his share.

- The crop mortgage or crop lien eventually offered a solution for this problem. Few tenants could live from one cotton picking to the next without assistance. This assistance the landlord gave in return for a mortgage upon the tenant's share of the growing crop, limiting the amount of credit which the tenant received to a sum which gave the landlord assured protection. If a tenant failed to make enough in one season to pay off his crop mortgage it was carried over to the next year and added to the amount of the mortgage on the next crop. Crop liens had preference over other liens not only for rent, but for advances made to the tenant either in money or in supplies. Moreover, the fact that the landlord was a preferred creditor put the tenant very much at his mercy. He was able to dictate the crop, to prescribe the method of cultivation and in general to exercise a control over his tenant which was as complete as he chose to make it.9

The tenant mortgaged his crop to his landlord. In some states the landlord alone had the right to a lien on the crops and property, which he had advanced to his tenant. The small farmer executed his mortgage to the merchant who ad-

vanced him credit.

The risk assumed by the merchant was great, and it was

⁹ Albert Burton Moore, History of Alabama (2 v.; N. Y. 1927).

only natural that he exercised care to protect himself in every possible way. The mortgages were drawn with a view to giving him every possible benefit. They always covered the cotton crop. Sometimes if this crop was not sufficient, they were extended to cover all crops and then to chattels and to land also. If the debtor was a tenant and his share of the crop did not sufficiently protect the creditor the landlord furnished additional security by agreeing to allow the merchant his share of the crop if the tenant's share did not pay off his debt at the end of the year.

All the cost of securing the mortgage had to be borne by the borrower. A recording fee of \$1.50 seems small, but to a man whose total cash return for his year of work was twenty-five to seventy-five dollars it was a most burdensome tax to be paid each year when his mortgage was made. In case of failure to pay off the mortgage, the burden still fell upon the debtor. He must pay all expenses of foreclosure and in many cases waive all exemptions to which the laws of the state entitled him.¹⁰

Interest rates on these mortgages were high. Grady says that they were never less than thirty and often reached seventy per cent. Other writers place them even higher. In some localities they reached one hundred per cent. It is impossible to secure accurate figures because the interest was paid in a higher price for the goods advanced during the crop growing season. This indirect payment was one of the evils of the system, for it blinded the farmer to the interest which he actually paid. The amount varied according to the competition which existed between merchants for trade. If a merchant faced a competitor, the farmer profited. If the merchant had a monopoly, the farmer suffered. But always he must expect to pay for the loss which the merchant suffered from failure to collect from insolvent debtors. When these charges were added to the normal profit expected on sales, the payments of the farmer could not be small.

The whole situation was aggravated by the ignorance of the debtor. He kept no accounts. He rarely knew the amounts

³⁰ Charles H. Otken, The Ills of the South (N. Y. 1894), page 85.

of his purchases. He accepted the statements of his creditor without question, both as to the amount he owed and as to the value of his crop. To the legitimate charges must be added the cost to the farmer of the fraud and deceit of which he was the victim when he fell into the hands of a dishonest merchant. One thing is clear, that the charges were so high that a farmer who once fell behind in his payments could rarely extricate himself. No crop, however large, could pay the annual charge and bear any additional burden for clearing away a past indebtedness. One crop failure was often sufficient to involve the farmer in a debt slavery from which death alone released him.¹⁰

Mortgages were universal. Half of the farmers of the South mortgaged their crops to secure food and "ate them up" before harvest. The census of 1880 shows that in South Carolina one-third to three-fifths of the cotton crop had been consumed before it was harvested. In Alabama the entire cotton crop was under mortgage before it was gathered and at least ninety per cent of the farmers of the state were hopelessly involved in the crop mortgage system. Debt regularly consumed the entire crop of many of the farmers. In Louisiana eighty per cent of the farmers bore the burden of crop mortgages. In Mississippi there were counties in which it was declared to be exceptional for any one to be out of debt. Merchants in some sections of the country had no cash prices because they had no customers who paid cash. All were receiving credit in return for a mortgage on their crops. 11

This mortgage system put the borrower completely in the hands of the merchant who advanced him credit. All his purchases must be made from that merchant, for he had no security which he could offer to any other. The blanket nature of his mortgage prevented it. The cash return from his crop was little or nothing and cash payment was out of the question. This menopoly of his purchasers enabled the merchant to determine the quality of the goods the farmer bought and the price which he paid for it. If the quality were poor and price extortionate (and both were often true), the farmer had

²² Census of 1880, Volume II, Part II, page 63.

no recourse. He paid nine dollars per barrel for flour which was worth three dollars, and thirty-five cents per yard for flannel which cost a cash buyer twelve and one-half cents. Credit prices on all articles ranged from twenty to eighty per cent above the cash price, prices varying in different localities according to the custom of the community, the risk which the merchant faced, and the number of merchants competing for the farmer's trade.

Not only was the farmer compelled to buy from the merchant at the price which he fixed, but he must also sell to him at the price which he was willing to pay, and in addition pay a commission which the merchant charged for handling his crop. In Mississippi this commission was based not upon the number of bales which the merchant actually handled, but upon the estimated number of bales fixed at the beginning of the season. When the crop was cut by drought or other misfortune, the farmer paid the same commission which he would have paid for the handling of a full crop.

III

Much of the criticism which has been directed against the farmer for his failure to break with the one crop system belongs properly to the merchant. It was to the interest of the merchant to keep the farmer raising cotton if he could. So long as the farmer devoted all his land to cotton he must buy his food, and since he must buy it from the merchant, the merchant had a very direct interest in keeping him from producing either corn or hogs. "The merchant," declared a speaker to the Alabama State Grange in 1889, "wants to make the farmer produce cotton exclusively and buy all the necessities of life from him." The farmer could not sell the corn which he raised to the merchant, but that same merchant shipped in western corn to sell to his customers.

But there were other reasons why the merchant encouraged the farmer to raise cotton rather than other things. It was a crop for which there was always a ready market. It was easily stored and its value was greater in proportion to its bulk than that of most farm products. The crop was never a total failure and a merchant who exercised reasonable care in making his credit advances was sure to get his money. Cotton, as Otken points out, was speculative for the farmer, but never so for the merchant. Finally, cotton stayed in the field until harvest. Corn could be used before it was ripe and was much more apt to be used or stolen than was cotton.

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For all these reasons the merchant encouraged cotton production. It was difficult to secure credit on any other crop. "No cotton, no credit," was a universal rule, and if a farmer cut the amount of cotton which he planted he automatically reduced the amount of credit which the merchant was willing to extend him. Since this credit was all which stood between his family and starvation, the merchant was able to force cotton culture upon any unwilling farmer who looked to him for supplies.¹²

Not only must the farmer buy from the merchant and sell to him, but he must sell at a time which met the merchant's approval. He had no opportunity to hold his crop for a better market. His mortgage must be met when the crop was harvested. All the cotton came on the market in a given locality at about the same time. This depressed the price and as in everything else, the farmer paid in a smaller return for his crop.

The mortgage system was an evil from the point of view of the farmer who had mortgaged his land and crops, but it increased the difficulties of the farmer of the better class as well. It made it very difficult for the farmer to secure labor. It was a poor laborer indeed who could not find a merchant to advance him enough to live upon in return for a small patch of mortgaged cotton. If he had enough to keep him from starvation, he cared for little else. He could be his own master. He could do much less work than if he were a hired laborer under the direction of another man. Consequently the number of laborers available was reduced and wages were correspondingly high.

The competition for rental land was increased by the demand of tenants who would have been laborers but for the

³² Hammond, The Cotton Industry, page 149 ff: Also Otken, page 84 ff.

fact that they could secure advances of credit by means of crop liens. Crops were better security for loans than the land itself. This kept down the selling value of the land, while it greatly enhanced the rental value. Statistics collected when the census of 1880 was taken show that the rental value of land was equal to as much as fifty per cent of its selling value in parts of the South and in all places the rental value was out of all proportion to the selling price of farm land. This bore heavily on the farmer who owned his own land or who was in a position to pay cash rent.¹⁸

Moreover, the cash tenant found himself discriminated against when he came to rent land. Through foreclosures much of the land in the South fell into the hands of the merchants. The merchant preferred for many reasons to rent to tenants to whom he gave credit. He received a larger rent than he could hope to secure in cash. He could exercise more control over his tenant than he could over a cash tenant, and thus protect his land. In every way the merchant regarded the share tenant with a crop lien over him as more desirable than the cash tenant. This came to be a very real grievance to the better farmers of the South.

The psychological effects of the mortgage system must not be ignored. The farmer found himself hopelessly entangled. All efforts to escape seemed fruitless. He settled down into a morass of despair and at last ceased to struggle. His farm became steadily less valuable. His buildings fell in ruins. His fences disappeared. Farm machinery fell to pieces for lack of care. A mortgage was foreclosed. He moved to a rented farm. After a few years he moved again to a poorer farm and his scale of living grew steadily poorer until he reached the very margin of subsistence.

IV

Two things finally aroused the farmer and sent him forth on that nineteenth century crusade which history knows as the Populist Movement. One of these was the enthusiasm aroused by the various organizations which spread over the country in

²⁸ Census of 1880, volume II, part II, page 60 ff.

the eighties and gathered the farmers into articulate groups for the first time in a generation. The other was the growing resentment which the farmer felt as he observed the prosperity which blessed his urban neighbors while he suffered

from grinding poverty.

It is impossible to discuss in detail here the rise of the farmers' organizations. Their number was legion. cultural Wheel, the Farmers' Union, the Brothers of Freedom, the Alliance, are only a few of the better known. Their purposes as expressed in rituals and constitutions were varied, but the great service which they rendered to the farmer was to break down the isolation which had formerly shut him The ritual and the responsibility of holding an office awakened his self-respect and gave him a new consciousness of his own worth. The social meetings gave him a new interest in life. More important still, the farmer found a place to discuss his difficulties and air his grievances before a sympathetic audience. He learned to look at his problem, not as an individual problem, but as the problem of a great group of which he was a part. With group consciousness came a new hope and a new sense of power. It was no longer necessary to submit tamely to his wrongs. Allied with other sufferers he could demand and secure justice. The farmer who produced the wealth of the world could demand his fair share of that wealth from the parasites who existed only to rob him.

The resentment of the southern farmer was directed against four groups—the middleman, whose debtor he was, the manufacturer, whose prosperity he envied, the government, in which he had too little voice, and the political party, which placed the interests of other groups above those of the

farmer.

The bitterest of the farmer's resentment was directed against the middleman. Merchants were growing rich, while agriculture was threatened with paralysis. The profits of farming went to the middleman and not to the debt-cursed farmer. The crop-lien law had been enacted for the benefit of the merchants who had used it to get into their hands all that the debtor owed and who were willing to have it repealed

when there was nothing more for them to steal. It is not without significance that the southern alliance refused to admit to membership "merchants, bankers, brokers, commis-

sion merchants, cotton, grain, or produce buyers."14

It was after 1880 that the prosperity of the manufacturer in contrast to the poverty of the farmer was brought clearly before the eyes of the southern farmer, for it was then that the development of manufacturing in the South began. There was every reason why northern capital should turn to the South. Supplies of coal and iron were close at hand. A cheap labor supply was available. The cost of living was much lower than in the North. These advantages drew to the South capital seeking the largest possible return upon investment, and cotton mills, mining-camps and foundries appeared in large numbers.

The farmer regarded this invasion with no friendly eye. It drew labor from the farms. It brought too many Yankees into unpleasantly close contact. It introduced into the leisurely quiet southern life something of the hustle and bustle of the northern city. It was disturbing to the established order

of things and the farmer did not like it.

That which impressed him most of all was that the manufacturer was supplied with something which he always lacked-ready cash. The farmer worked long hours in difficult conditions and was fortunate if he succeeded in feeding his family. The factory worker also had shorter hours, his work was lighter and he received in return more actual cash in a month than the farmer saw in an entire year. The farmer was also impressed with the fact that capital invested in manufacturing produced a larger return than that invested in agriculture. "It requires more capital, time, and labor to produce a pound of cotton than it does to manufacture it into goods," declared a farmer to the Alabama State Agricultural Society in 1887, "yet the producer gets eight cents while the other industries and agencies in less time with less labor and capital get from eighteen cents to forty-two cents out of every pound of cotton handled by them." Obviously these things

¹⁴ Proceedings of Alabama Agricultural Society, 1887, page 7.

were unjust and were additional proof of the justice of the

farmers' growing indignation.18

There was probably nothing that the farmer resented so much as the fact that the government of his state did nothing to help him. He suffered at the hands of merchants and money lenders. He paid tribute to the manufacturers and the middlemen and the government aided and abetted them in fastening upon him burdens too heavy to be borne. Soulless corporations were protected by vicious legislation. Millions were extorted from the farmers in taxes to be paid in bounties, grants, and charters. The monetary system was regulated in the interest of the money trust. The tariff protected capital at the expense of agriculture. The agents of the corporations were the law makers and the law could not touch them. There were many more farmers than lawyers, yet the lawyers sat in the legislature and legislated in the interest of the corporations which they served, while the interests of the farmer were ignored.16

Gradually the resentment which the farmer felt against the government was merged into a resentment against the Democratic party which controlled that government. Political parties had deluded him with fair promises for years. To his demands for justice the reply had been an exhortation to be loyal to the white man's party, which had ignored his problems. What was to be hoped from that party and its leaders? By 1890 enough southern farmers were convinced that nothing could be hoped from it to stage the most formidable attack upon Democratic control of the Solid South that the party had ever faced. The People's Party movement in the South must be interpreted in the light of the plight of the small farmer. It was his protest against an intolerable economic condition for which he held the government of his state,

dominated by the Democratic party, responsible.

Ibid., (1887), page 10; also Kelley, The Old South and the New, page 115.
 Morgan, History of Wheel and Alliance, page 219; Proceedings, Alabama State Grange 1889, page 73.

BOOK REVIEWS

THE TRAGIC ERA. THE REVOLUTION AFTER LINCOLN. By Claude G. Bowers. New York and Boston: Houghton Mifflin Company, 1929. xxii, 567 pp.

With an eye to the dramatic, and with many a literary, or perhaps one should say journalistic, flourish, one of the editors of the New York World seeks to recreate for us what he is pleased to call "The Revolution after Lincoln." As one would expect, the author of Jefferson and Hamilton and Party Battles in the Jackson Period sees in the shifting scenes and changing leaders of the time a vast drama. Johnson, the much maligned hero, is a tragic figure; the biting tongue of Stevens is scarcely stilled in death, for he was to "die hurrahing"; Grant remains silent and boorish, and his "Three Musketeers," Conkling, Morton, and Zach Chandler, holding high the bloody shirt, troop across the stage midst the rattle of arms. We meet Schuyler Colfax, vicepresident, in speech "the master of the obvious," Stanton, "a spy in the President's household," Sumner with his conceit and his English spats, Thomas A, Hendricks, the "moral and intellectual equal of any man in the Senate," and Henry J. Raymond, who was no politician because he saw both sides of every question and was incapable of hate. Behind the scenes we also meet Oakes Ames of Credit Mobilier fame. and James G. Blaine, the Magnetic Man from Maine and author of the Mulligan letters. Jay Cooke, Jay Gould, Jim Fiske and many others reappear in a vivid but familiar story.

The author drapes his drama around the political actors of the time. One can find little fault with that, for as perhaps in no other period of American history, political control was in the hands of a few men. To a large degree, the radical governments in the South failed because the governors and state officials were incompetent or corrupt, or both. What could one expect of ex-soldiers, ex-hotel keepers, ex-barbers, ex-shipping clerks, and ex-slaves? No wonder there was so much corruption that Zeb Vance said "the man in the moon has to hold his nose as he passes over the earth." The author says that "a complete understanding" of the period "calls for a reappraisal of many public men," but so far as this reviewer can determine, he has thrown little new light on public characters. True, he has had access to the unpublished diary of George W. Julian and many letters and private correspondence of politicians. But in all essentials the story of our much monumented dignitaries remains the same. Bowers seems to think he is expounding a

new theory when he calls the Republicans wicked and announces that Johnson was not a knave.

The defects of the book are the results of its virtues. The gossipy style, with great attention to personalities and their eccentricities, sometimes seems to lead the writer from the point under discussion. For example, one can scarcely be interested in the fact that Charles Sumner was entranced by England's country houses, its Parliament, and London parlors. Nor does the fact that he was present at the coronation of Victoria and met Macaulay, Carlyle, and Wordsworth seem impressive. His opinions of Lady Blessington and Mary Shelly are not important for a correct understanding of his part in Reconstruction. Again, one feels that all the great orators were not as sublime, nor the logicians as consummate, as Bowers would have us believe. It is a good deal to say of Daniel Voorhees: "There surely never was a voice more musical or more finely modulated to every feeling, never an eye more eloquent than those hazel orbs that changed colors with varying emotion." Finally, why spend two pages describing the French-Negro Rollin sisters of Columbia? True, Marie Louise was "a striking girl, with lustrous almond-shaped eyes, dimpled chin, and teeth white and shapely that flash in smiles"; and Charlotte had "the same voluptuous figure and lustrous eyes," but actually they had little to do with the state government which Bowers is describing.

The author is led into a grievous error when in easy flowing language he says of the state constitutions of 1868: "These documents, framed by ignorance, malevolence, and partisanship, sounded the death-knell of civilization in the South." As a matter of fact, most of the constitutions were excellent documents, drawn from the constitutions of New York and Ohio, and destined to last for many years after the whites had regained control of the South. The Constitution of South Carolina was not revised until 1895 and the only important revision was that relating to the suffrage.

The bibliography is a curious thing. It purports to be a list of manuscripts, books, and newspapers consulted and cited. Yet Rhodes is cited several times in the text and not listed in the bibliography. As important a book as Pearse's Benjamin H. Hill is listed but not cited; the same is true of Stryker's life of Johnson. A few errors are noted, especially in the bibliography? Walter F. is cited for Walter L. Fleming, the given name of Don C. Seitz is misspelled, and A. H. Taylor is cited for A. A. Taylor. The latter's book is given an incorrect title on p. 51, note 5. Since the bibliography is arranged only by authors, some

confusion results from the fact that some books are cited by author and others by title. The text seems to be remarkably free from errors. T. J. Mackey's name is misspelled on p. 535 and in the index.

R. H. WOODY.

THE CONFEDERATE PRIVATEERS. By William Morrison Robinson. New Haven: Yale University Press, 1928. xvi, 372 pp.

For a novelist, unrestrained by cold, factual records, to write thrilling tales of high adventure with a setting consisting of national crises and unheavals is no uncommon achievement. It is conventional, in fact, Recent historians have shown a marked inclination to reverse the process by utilizing the records to dedramatize history. Mr. Robinson in this chronicle of the last free-lance sea dogs has achieved a result that is neither the one nor the other. He has carefully unraveled each skein of events in the careers of the successive privateers and privateersmen to find that without literary embellishment the final result is often a tale that the fiction writer would consider too improbable to foist upon his reading public. John Pickett, going to Mexico with blank letters of marque and ambitious plans for capturing California gold steamers on the Pacific; the eccentric, diminutive Colonel Thomas Zarvona, disguised as a French modiste, flirts with Federal passengers on the ship he was to capture; and Mr. B. I. Sage, a Louisiana planter who, though he probably did not know a main-truck halvard from a monkey rail, found the deep-sea urge so strong that he successfully formulated and lobbied through a governmental change in privateering policy, and then chartered and organized the corporation known as the Virginia Volunteer Navy Company, only to be frozen out at the last by a bogus exacting post-captain of the Royal Navy-these and others that might be mentioned certainly represent men and episodes that would dwarf the imagination of the average novelist.

Through it all Mr. Robinson has kept close to his sources and when he found them incomplete or unsatisfactory, he candidly admits his own dissatisfaction with the chosen version and proceeds to the next development in his narrative. But this seldom happens, thanks to his exhaustive research. Here it might also be observed that in preparing a history of the Confederate Privateers, Mr. Robinson was writing in an unworked field on a subject of a private and frequently secret nature. The latter fact would be sufficient to preclude the possibility of finding full accounts of their activities in the form of dispatches from participating individuals in the public records, as is the case with govern-

ment owned men-of-war. But commanders of public ships on both sides had frequent occasion to write concerning the privateers, particularly the Union commanders who went in pursuit of them. From these incidental references and reports in the Official Records of the Union and Confederate Navies, the author has drawn much of his material. Though these records seem to have contributed more than any other single source, seaport newspapers, court records, Confederate statutes, pamphlets, and manuscript collections are made to contribute their full share.

As is frequently the case with an exhaustive work in an untouched field, some extraneous material is permitted to creep in. In his enthusiasm, Mr. Robinson takes the broadest possible definition of the word "privateer," and thereby includes a number of unauthorized private raids upon enemy property that could hardly be considered under the head of privateering, or within the accepted meaning of the term. Nor would the history of Confederate privateering have lost anything had Mr. Robinson left such matters as the constitutionality of secession and the shelling of Fort Sumpter to the hairsplitting students of the constitution and to the partizans of the old school, of whom there have already been too many on both sides of the question. It must be admitted, however, that his sympathies in no way affect his objectivity in the serious business of presenting his swashbuckling privateersmen. He claims for none of them any special virtues or prowess merely because they happened to be on the side of his sympathies, but each stands or falls on the basis of his record-and that record is well documented.

As it stands, Mr. Robinson's work is the most scholarly contribution that has been made thus far to the entire literature of American privateering.

[AMES D. HILL.]

River Falls, Wisconsin.

LIFE AND LABOR IN THE OLD SOUTH. By Ulrich B. Phillips. Boston: Little, Brown, and Co., 1929. 375 pp.

Professor Phillips, in a brief but suggestive preface, expresses some chagrin that his "fancy is restricted by records," and that he must be content to delve while literary men may soar. Such modesty is seemly, but unnecessary. For his picture of plantation life in the Old South is more authentic and more comprehensive than anything the artists have to offer. Even his style would bear comparison; for it is marked by such literary finish and such an urbanity of manner as is rarely realized by the modern historian.

This study, intended as the first volume of a three-volume history of the South, opens with several historical chapters relating to settlement and expansion. These are effective, by way of historical background, but make no particular claim to originality. There follow a number of chapters dealing with what the author deems the chief phases of southern life in ante-bellum days. Staple economy, transportation, slavery, the Negro, overseers, planters, homesteads-all these, and the modifications of each peculiar to the several sections of the Southland, receive due attention. There is, in the presentation of each topic, a happy blending of critical analysis with liberal quotations from the sources. This extensive use of contemporary accounts lends a realism to the narrative that is rarely achieved in secondary works.

There is, necessarily, some overlapping of subject matter with the author's earlier studies in southern history; notably with his American Negro Slavery. In such cases new material has usually been employed,

so that the older work is supplemented, though not replaced.

Life and Labor in the Old South is destined to be, at least for the immediate future, the standard work in its field. Just what this field is, however, merits some consideration. Save for the introductory chapters, the bulk of the work is devoted to the ante-bellum plantation, its history, economy, personnel, etc. As a result of this, only one chapter is devoted to the small farm and "the plain people." Yet the great majority of the white people of the Old South were small farmers, and in large areas practically all the people were of this type. The almost exclusive attention paid the plantation also results in a relative neglect of the southern towns-New Orleans excepted. These, to be sure, were usually small, as well as few and far between, but their importance can hardly be measured in terms of population alone. The lack of attention accorded the towns, also involves neglect of the manufacturing and the cultural life which centered in them.

It may well be, of course, that the author has no intention of presenting the cultural history of the South. He is primarily concerned, in this volume, with its economic development, and announces that the second volume will be devoted to things political. So, too, there may have been no intention to emphasize, within the economic field, the story of the plain people. In this case, however, the present title of the work is somewhat misleading. What Professor Phillips has really given us here is the definitive history of Plantation Life and Labor in the Old South.

The large estate, devoted to the raising of staple crops, was the outstanding and most distinctive social and economic institution of the Old South. Just because it was most distinctive, however, the emphasis placed upon it by historians has tended to exaggerate the distinctive character of southern life in general. It still remains for some scholar to do for the southern town and for the southern farm what Professor Phillips has so ably done for the southern plantation.

RICHARD H. SHRYOCK.

A Preface to Morals. By Walter Lippmann. New York: The Macmillan Company, 1929. viii, 348 pp.

The author of this book disclaims both the apparatus and the fact of scholarship, but he might well say to many a philosopher writing today who claims both: "Mark now, how a plain tale shall put you down." His subject is the nature, the weakness and the strength of contemporary manners and morals; in other words, the whole content of that "higher obvious" in an interest in which intellectual and simple meet. The book might be fairly described as a restatement for twentieth century minds of the main drift of Spinoza's Ethics, and the eleven references to that classic are sufficient evidence that Mr. Lippmann actually had Spinoza much in mind. He is soaked in the teachings of Socrates also, and if Socrates called himself a spiritual mid-wife, we might call Mr. Lippmann, by a modern analogy, the diagnostician of present social conditions.

The author says that man lacks today any substitute for that ancestral view of the world as ruled by God and his authoritative ministers on earth, a view which "organized his soul, economized his effort, consoled him, and gave him dignity in his own eyes because he was part of some greater whole" (p. 19). Instead we have now detached individuals, incommensurable groups and random interests. The chaos that marks our civilization is symbolized for him by a modern art-gallery: "One . . . comes out feeling that one has beheld an odd assortment of nude bodies, copper kettles, oranges, tomatoes, zinnias, babies, street corners, apple trees, bathing beaches, bankers, and fashionable ladies . . . a chaos of anecdotes, perceptions, fantasies, and little commentaries, which may all be very well in their way, but are not sustaining and could readily be dispensed with" (pp. 103 f.).

For the disillusionment with disillusionment with which we are ill, Mr. Lippmann prescribes the insight of humanism. This insight is the traditional idea that the happy as well as the good life is associate with

some form of asceticism. Asceticism at its best means not disfiguring the body but revising natural desires in the light of an increasing grasp of the nature of reality. It is simply growing up, abandoning childishness, becoming educated. "A boy can take you into the open at night and show you the stars; he might tell you no end of things about them, conceivably all that an astronomer could teach. But until and unless he feels the vast indifference of the universe to his own fate, and has placed himself in the perspective of cold and illimitable space, he has not looked maturely at the heavens" (p. 187).

The author believes that this age differs from all other fins de siècle in that at this particular time the multitude rather than the few discerning souls would seem to be ripe for the humanistic insight. He himself applies it with great sagacity to the concrete problems of sex,

capitalism, and politics.

It is a not inconsiderable testimony to the potentialities of philosophical instruction that Mr. Lippmann says he could not adequately express what he owes to his teachers, William James and George Santayana.

KATHERINE GILBERT.

In the Evening of My Thought. By Georges Clemenceau (trans. by Charles Milner Thompson and John Heard, Jr.), 2 vols. Boston and New York: Houghton Mifflin Co., 1929.

"All my life I have lived on noise, and now I hear the muffled tread of silence. Before I forever hold my peace, what last words shall I utter?" Clemenceau, the "destroyer of ministers" and himself the great war minister of France, will not be remembered as a philosopher, nor indeed has he any such pretension. His avowed purpose is "simply to draw up a balance-sheet, such as a man of ordinary cultivation can today prepare of our positive knowledge of the world and of ourselves, amply annotated with theories and even with hypotheses still undergoing verification." The chief interest of these lengthy volumes, for he is scarcely prepared to satisfy the specialist in any one of the numerous fields of knowledge concerned, is the theory of the universe and of life of the man who was perhaps France's strongest personality since Napoleon. It is stated with the courage and forthrightness which was characteristic of Clemenceau's long and varied career.

Man and the universe, he believes, are both essentially the expressions of energy. It is the law, the determining condition of their existence and development. "Man is but one form of the universal determinism." Consistent with his past, Clemenceau has no place for

the traditional concept of God, or for a future life, in his scheme of things. Nor is there such a thing as "free-will" in the strict meaning of the term-"all existence is in the same predicament." Nevertheless, a contradiction, or at least an obscurity, appears in his conception of determinism. If man, conditioned by the universe of which he is merely a part, by the circumstances of his birth and life, has no real freedom of choice, he is still under the "obligation of developing his individual and social activities according to his natural relations with the universe." Clemenceau has in mind most of all the conservation and increase of the sum of knowledge that may be controlled by scientific observation. In this respect, it would seem, man may choose one course rather than another: he may, or may not, participate in this greatest of all adventures. The author's confidence, voiced in many an eloquent passage, in the future of this quest belies the pessimism which is too readily attributed to him. Yet the consciousness of limits is always present. "I will act, that is, I will consent, like every other being, to develop my life under the conditions imposed on all living creatures."

The student of contemporary France will find no light, old or new, in these volumes as to the many events in which Clemenceau played an important part. Complete silence is observed in regard to political questions and personalities. Even the application of his theories to the life of nations is developed in a comparatively few pages. War, he insists, is the natural condition of all living creatures, and he repeats, in spite of the fatal result of the armament race prior to 1914, the ancient and discredited doctrine that military preparation is the most effective guarantee of peace. The movement for peace through international organization, according to Clemenceau, is distinguished more by its rhetoric than by its appreciation of realities. Nevertheless, as "it behooves every living organism to continue its individual efforts to attain a less miserable state," he would not discourage every effort to hasten the slow evolution of society toward permanent peace. The chief difficulty, it is implied, is still Germany's dark designs: "our 'statesmen' have succeeded in obtaining by a lavish outlay of words the entrance of Germany into the so-called 'League of Nations' where its promises will have the same value as those by which it guaranteed the neutrality of Belgium, only to violate it openly and without even resorting to the ordinary expedient of dishonest pretexts."

The translation is well done, and a good photograph of the "Tiger" is placed at the beginning of the first volume.

THE AMERICAN SCHOLAR. A STUDY IN LITTERAE INHUMANIORES. By Norman Foerster. Chapel Hill (North Carolina): The University of North Carolina Press, 1929. 67 pp.

CRITICISM IN THE MAKING. By Louis Cazamian. New York: The Macmillan Company, 1929. Pp. xi + 196.

Practical Criticism. A Study of Literary Judgment. By I. A. Richards. New York: Harcourt, Brace and Company, 1919. Pp. xiii + 375.

Professor Foerster has given us a provocative essay on the miseries of American Scholarship, and one hopes (a little sadly) that it will provoke enlightening discussion; for Professor Foerster has not altogether clarified the issues, and one has learned not to expect too much of one's fellowmen. To treat this essay to the same elaborate sarcasm which Mr. Foerster bestows on one unregenerate and "inhumane" scholar (vide that long footnote, pp. 54 f.) would be easy enough. But it will perhaps suffice to point out an underlying fallacy of Mr. Foerster's whole argument. There are three kinds of endeavor, which he rolls into one and then complains that each is not the other two. The scholar has his special province, the accumulation and ordering of knowledge; the critic his, the interpretation of aesthetic phenomena; and the professor his,—no, I am wrong: for the professor must be scholar, critic, teacher, trainer, inspirer, sitter on committees, &c.

What we need is not a jeremiad against the two latter because they do not support a particular school of criticism, but a recognition of the several services of each and a fairer distribution of labor. Of course we all agree with Mr. Foerster that much is wrong—this is not the best of all possible worlds—and we devoutly wish that our critics were better scholars and our scholars better critics; we should like to see our teachers better critics and better scholars. We have learned from the Germans; let us also learn from the French (without throwing the Germans overboard) and from any others who can help us. From the Chinese we might learn that wisdom and culture are not achieved by any methods likely to be introduced with success into our graduate schools,

Now comes Professor Cazamian, a Frenchman, with many of the same complaints of the "vanities" of learning, as Bacon would say, which have troubled our American Scholar. Truly, virtue is not an ethnic commodity. But the most interesting of his lectures (only three out of ten are lamentatory) are those devoted to criticism of contemporary literature. There is a very slight sketch of the well-known tendency of all of the arts latterly to abandon form for a deliberate discontinuity. There is a review of some recent attempts to explain literature

by "psycho-analysis" (I quote the word to imply that it is a variable, understood now one way now another)—but M. Cazamian does not see that this is the old fallacy of *ignotum per ignotius*. There is a prophetic glimpse looking towards a return to classicism in English literature (a reaction to the discontinuity already mentioned), to be followed (the next lecture) by a period of youth and exuberance (which M. Cazamian does not expressly call romanticism). It is the old pendulum at work. The last three lectures touch upon certain parallels in recent French and English literary developments, tending towards a European culture and a European literature to be based on the Entente Cordiale or an Anglico-Francophily. All these lectures must have been pleasanter to hear than they are to read.

The contrast between these two books and that of Mr. I. A. Richards is very striking and in a way inspiring. The title, Practical Criticism, is almost a challenge. For while Mr. Foerster declares that something is wrong with our graduate schools and urges that something be done about it, and M. Cazamian echoes the lament and adds some illustrations (not too convincing) to show that aid may be forthcoming from French models, Mr. Richards attacks the positive question of how we are really to deal critically with artistic phenomena. The effect of Mr. Richards' earlier volume was a combination of exhilaration and disappointment. I feel much the same about this one. The first half-a carefully digested presentation of the critical reactions of a group of students to thirteen short poems-is exciting reading. Here, we feel, we are in actual contact with many minds wrestling with an aesthetic problem. Mr. Richards' method may not be ideal, but what better is there? It is a laboratory experiment; it is a valiant effort. The latter half, however, raises doubts. In certain general ways (I have not space to go into details) Mr. Richards clears the ground of various obstructions-e.g., fatal preconceptions, irrelevant associations, and stock responses of readers, manifold inhibitions to understanding and enjoyment, and so on-and he says many valuable things en passant. Yet, though we are bound to admit that progress is slow and the present results not very conclusive, nevertheless, Mr. Richards has performed a difficult task very skilfully and has pointed a direction which both he and others must follow patiently if we are to know more than vague generalities about the so-called aesthetic emotion. Some, at any rate, will think it better to pursue with Mr. Richards a practical study of this sort than with Mr. Foerster to rely upon "entering intuitively into the inwardness of art." P. F. BAUM.

LE GRAND MEAULES (THE WANDERER). By Alan Fournier. Translated by Mme. Françoise Delisle, with introduction by Havelock Ellis. Boston and New York: Houghton Mifflin Co., 1928. 306 pp.

The Wanderer, as it is called in its English translation, has the remarkable fate of coming into notice more than a dozen years after its publication in France and being considered "the most impassioned hope for the novel of tomorrow," as the foreword asserts. This, too, in spite of the fact that its appearance was made at the time when every attention was centered on the Great War and the author lost his life in the struggle so that nothing further can be noted from his pen. The enthusiasm of the Belgian and Dutch critics for "one of the masterpieces of our time and a chief source of inspiration to contemporary literature" shows that their appreciation of a new powerful writer has been quicker than ours. But this is partly because the setting, the style, the theme of the book are wholly foreign to the American attitude toward a work of fiction. It is primarily a tale of rural life, yet it is not the manner of living that effects the two chief characters, a couple of youths in their country school. It is rather the narration of a succession of mental and spiritual influences and conditions that might react in equal force if the environment were urban. This reviewer cannot agree with the Dutch author, Dirk Coster, that the story "is like a ray of sunshine on the face of a child or youth," for it is somber; much of it lies in shadow. A tale of adolescence, there is great sweetness in the revelations of youth's dreams and it necessarily carries the impression of being disclosures of personal feelings. That these were the effect of the particular part of the country where Fournier grew up, the province of Berry, is not stated nor would it be particularly significant; remote country life with few distractions would be similar anywhere. The story being told in the first person, there is avoided the method of the "stream of consciousness" of which one is surfeited. Nor is mere symbolism used. The mysticism that, to any serious minded youth, seems to be in the life just ahead, must have been the power that moved the writer. He said of himself that: "The novel that I have carried in my head for three years was, at first only me, and me and me; but it has gradually been depersonalized and enlarged and is no longer that which everybody plans at eighteen." He further said that he wished to produce, not himself, but "the rich treasury of accumulated thought he already held within him in the form of a moving dream." The wish and the expression of it show the youthfulness of the writer. Yet he does produce a rich freshness of expression and of attitude toward the life he was living and that he looked forward to. For one cannot read the book and fail to feel it is the author himself who is one of the characters. The Wanderer he observes, marvels at, adores, but cannot imitate; he, this peasant boy, leads his younger friend and brings him, too, that whereof dreams are made. The enchantment of the story has to do with the impression on both boys, one by reflection, vicariously, the other directly, of a wild, strange, lovely revelry of youth with youth, of mysterious and poetic setting in remote surroundings, and the wonder of hitherto unexperienced delights. There is an adventure that is a bit of medieval romance and is received as such, leading, in fact, to the "wanderings."

The translation is excellent, even the French is not more true to expression. It was made by the sister of that one of Fournier's friends who died in action as he did; she was also the wife of another friend, so that one feels she translates with unusual understanding of the author. We are told that the place names of the book are those around Fournier's boyhood home, and also the personal names and sights, sounds, odors are those of a spot beloved and absorbed into the sensitive spirit of youth. Thus all the traits of a lonely spot of old France greet one in this novel. The reader feels one of those ineffably touching revelations of the heart of youth and the devotion to young friendship. Nevertheless, it does not seem to be a revelation that would touch or appeal to the youth of this country. Older readers will find it appealing, perhaps reminiscent, of their own youth when there was more time for "long, long thoughts."

FLORENCE JACKSON STODDARD.

Washington, D. C.

THE LIFE AND LETTERS OF ANNE ISABELLA, LADY NOEL BYRON. From Unpublished Papers in the Possession of the Late Ralph, Earl of Lovelace. By Ethel Colburn Mayne. With an Introduction and Epilogue by Mary, Countess of Lovelace, and Twelve Illustrations. New York: Charles Scribner's Sons, 1929. Pp. xvi, 501.

As the author of the first biography of Byron able to clear Lady Byron of the disgrace formerly heaped upon her by Byron's partisans, it is quite fitting that Miss Mayne should enlighten us more fully about one of the most misunderstood ladies of the Regency period. Full access to the voluminous papers of the Lovelace family (Byron's daughter became Countess of Lovelace) gives her book a unique authority as to facts and a more secure basis for inference than other writers have possessed.

In spite of Miss Mayne's skill, the Lady Byron of the Victorian

era is a little dull. Her many worthy actions, her very peculiarities, as, for instance, her conduct toward Augusta and her children after the separation, are very much worth chronicling; but they would scarcely be so except for the vivid years of her youth. They do throw a faint and uncertain light on the mystery of the separation. For if the belle whom Byron married was the chrysalis of the regular Victorian she later became, one sees Byron's side a little more clearly, even though continuing to condemn him.

Miss Mayne is the champion of Lady Byron, but she is fair to Byron, at least in intention. She knows her heroine's faults, even if she does base herself largely, as she says in the preface, on "Lady Byron's universally recognized truthfulness" and then shows (pp. 62 ff.) how she deliberately lied to Byron—the one pitiable lie without which there would have been no tragedy for her.

As for the Separation Problem, any last lingering doubt as to the reality of Byron's incest with Augusta must vanish upon reading this volume. Miss Mayne also makes it plain that very probably the guilty relations ceased with Byron's marriage. Whether they were, after all, the main cause of Lady Byron's leaving Byron, it is still possible to doubt. Lady Byron's expressed views as to the morality of her husband were surprisingly liberal, if not for Regency society, at least for Lady Byron. Moreover, Byron's detestable cruelty was sufficient, by itself, to justify a dozen separations and was nearer to the actual separation in point of time, though the mere presence of Augusta, no doubt, was always a terrifying threat. It was a part of Byron's malice to make it so. One easily agrees with Miss Mayne as to the effect of Ada's birth. The child simply could not be submitted to the influences of the treatment given by its father or its half-aunt. Even Lady Byron's extraordinary behavior to Augusta after the separation is brilliantly made clear, or almost clear, by Miss Mayne's analysis of her protective instinct.

On one point this reviewer finds himself in agreement with poor, stupid, unmoral Augusta as against Lady Byron, Lady Byron's legal and medical advisers, and Miss Mayne,—namely, that Byron was partly insane just before the separation. His clarity of mind in some other matters at that time does not so easily satisfy me as it does Miss Mayne of his sanity toward his wife. I could wish that she had consulted some twentieth-century alienists on this point in addition to the practitioners called in by Lady Byron in 1815. Byron's professed desire to drive his wife to her parents, his equally earnest desire when he had done so to

have her back again, his undoubted love for her at the time of his first proposal and his very dubious love at the time of the second, are not so easily explained by Miss Mayne's view as they would be, to the average layman, by assuming that Byron's conduct toward his wife was a species of insanity growing out of wounded egotism. Lady Caroline Lamb's first comment on Byron, "Mad, bad, and dangerous to know," might be taken as significant in connection with her later comment on the separation, which Miss Mayne does not quote, namely, that Anne's great error was in marrying Byron after having once refused him.

In later years Lady Byron became pious, "pye-house," as she had called it in her youth. For a long time she appears to have considered herself a special missionary to the twisted soul of Augusta, which she seemed determined to keep in purgatory. For thirty-five years the relations of these two ladies present an incredible mixture of mutual love and hatred. Lady Byron concerned herself benevolently with the queer lives of Augusta's children, especially that of Medora Leigh, the child of incest whose wild career is a strong reminder of the taint in the Byron blood.

If Miss Mayne is right in observing that the nineteenth century was Byron's but the twentieth will be Lady Byron's, it is largely because of the facts she herself has made clear—a moving, tragic development in which an attractive girl of strong character and intellect evades her fate momentarily and then, probably because she is too confident in her strength, marches blindly into a horrible situation in which, young and inexperienced as she was, she showed more wisdom and greatness than all the learned counsellors who helped in the partial extrication. There was no absolute extrication, as Byron kept insisting in his poems, and as Lady Byron showed by her actions for many years afterwards. The letters (most of them hitherto unpublished) in which the marriage is

prepared are absorbingly tragic documents.

Just because the author's unusual access to new materials, aided by capable, fair-minded presentation, will give this book unusual authority, it is necessary to guard against accepting all her conclusions as necessarily correct. Byron may have been a flagrant liar and his wife extraordinarily truthful, but where Lady Byron's statement is so largely the basis of conclusions it is well to remember that, after all, Byron could tell the truth and Lady Byron could lie. It is well also to remember that many of Miss Mayne's materials are manuscripts accessible to her alone and that except for those she quotes the critic cannot judge the fairness and discrimination with which she uses them. We thankfully

accept her assurance that all words put into the mouths of characters are quoted *verbatim* from the documents, but we stand aghast at the freedom with which she puts thoughts into their minds. From their very nature many of these can have come from nothing but Miss Mayne's own interpretation of the characters.

NEWMAN I. WHITE.

Some Forerunners of Newspapers in England 1476-1622. By Matthias A. Shaaber. Philadelphia: University of Pennsylvania Press; London: Humphrey Milford, Oxford University Press, 1929. xi, 368 pp.

This book is by an industrious author who selected a good subject. The publishers have supplied a format and binding appropriate to the title. Antiquarians and bibliographers may glean from it many interesting items of lore. For the rest, the labor seems to have been painstaking rather than inspired and its fruits do not contribute much to illumine the subject.

The trouble is not entirely with the topical organization, though that is too complicated to be helpful at all points. We have chapters on "Personal News," "Official News," "News Published under Partisan Auspices," "Further News of Affairs of State," "Popular News," "Translated News," "Ballad News," "News to Inform and News to Instruct," "News-Writers," "News-Publishers," and "The Immediate Forerunners of Newspapers." Most of these chapters are further subdivided into five or six topics, so that much duplication in narrative is necessary if the reader is not to be left confused.

But there are more serious difficulties. To write the history of newspapers in any age, one needs to apprehend clearly the structure of society in the time and the immediate functions of newspapers. The technical training of the historian of literature is very useful for a student of the history of newspapers, but it is not sufficient preparation. Consequently, the defects in Dr. Shaaber's dissertation are not so serious a reflection on the department under the auspices of which it was prepared as it might at first appear. The truth is, it is scarcely reasonable to expect a younger student in any department to deal satisfactorily with a subject requiring so much maturity of thought and preliminary study. Unfortunately, more experienced scholars are seldom willing to do the necessary drudgery.

Dr. Shaaber's concept of a journalist is one who with a "disinterested desire to serve the public interest" reports as news things of sufficient intrinsic interest to have a market. An item has to have a "polemical" character before he would call it "propaganda." Beginning with these

presuppositions, he ransacks the years of his choice in search of what he regards as "news." His incomplete understanding of the society in which this news found its market is indicated by such distinctions as news "inspired by the state itself," "news published by authority," "partisan political news," "foreign news printed as religious propaganda," and the like. The lack of precision in the use of political and social terms does not lessen the confusion caused by these uncertain categories.

That a dissertation in literary history should reveal an unfamiliarity with the technique of social study is understandable. Perhaps it is as inevitable that one who has read widely in the careless prose of early news-writers should reflect some of their weaknesses in his own composition. After due allowance is made, however, it is not unfair to say that the style of this monograph is too great a burden to be borne by the reader without a note of complaint. A single sentence, shorter than most of a score and more noted in going through the book, illustrates the point, but scarcely does it justice. Anthony Munday, mentioned by name a few sentences earlier in the paragraph, seems to be the man referred to (p. 96):

To refute the charge that he had been an idle and turbulent apprentice, he prints a testimonial of good behavior signed by his master, John Allde the printer, and he corrects some statements of his adversary's about his conduct in Rome, but he ignores the most serious charges brought against him.

W. T. LAPRADE.

JUVENILE COURTS IN THE UNITED STATES. By Herbert H. Lou. Chapel Hill: The University of North Carolina Press, 1927. xvii, 277 pp.

At the present time, when our system of courts is being attacked and when "crime waves" occur one after another, a study of our juvenile court system—if we may call it a system—is indeed pertinent. This volume is a study of the different phases of juvenile court work and of the great problem of dealing with juvenile delinquents. Its purpose, as the author states, is "to present a critical account of the juvenile court in all of its most important aspects—philosophical, legal, historical, diagnostic, procedural, administrative, and sociological. It aims to explain its principles, its development, its present status, its form of organization, its actual working and its significant tendencies."

The growth of the idea that delinquent children should have special courts was very slow until the beginning of the nineteenth century. As late as 1837 a death sentence was pronounced upon a child of nine years who broke a glass and stole two-penny-worth of bread. In this

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case, however, the sentence was not carried out. Since then, however, the growth of this type of courts has not only been healthy, but indeed remarkable. It might also be mentioned that the system is one court system, at least, which does not invite the play of politics. In this volume the entire organization of the juvenile courts is carefully described. Particular attention is given to the officers of the court, the judge, the probation officers, in fact, the entire staff, and no reader can doubt the fact that the success of the court depends upon the quality of its officers and their knowledge of the child.

A juvenile court is a court that is not a court, or, rather, a court that is more than a court. Only a fractional part of the work of juvenile courts is legal in nature and its main duties are administrative and educational. "Why call it a court?" a person might ask. The answer is that its first duties were judicial in nature and the other duties have accrued since the body was named a court. It is the belief now that the child is saved more often by the non-legal functions of the court rather than the legal. Today the independence of this court is being threatened to some extent by the family court, but the author believes that unification is not practicable because of constitutional difficulties, the overloading of work upon the family court, and also because many of the cases in the family court are criminal, or quasi-criminal, and it is the purpose to keep juvenile courts as free as possible from cases of this type.

The author writes in a vein that shows the best side of the juvenile court situation, but at times he is very careful to bring out the mistakes that are now being made. It is indeed a careful study and fills in the need for a book that handles the problem of the juvenile delinquent from its many angles. At times it is rather difficult to differentiate between the views of the author and those of other writers and the scope of his subject matter made it necessary to limit the space given to some subjects that would seem to merit a longer discussion. The volume is carefully indexed and has an excellent bibliography. It is a book well worth reading not only by the persons who are interested in the courts and the nature of their jurisdiction, but also by all persons who are interested in the younger generation and the method of handling the problems of children.

ROBERT STANLEY RANKIN.

EARLY GERMAN ROMANTICISM. Its Founders and Heinrich von Kleist. By Walter Silz. Cambridge, Mass.: Harvard University Press, 1929. 264 pp.

The author seeks first to clarify an age, the literature and literary philosophy of which have inadequately been called Classicism and Romanticism. He is then able to determine with greater sureness the relationships of the hitherto somewhat puzzling genius, Heinrich von Kleist.

The so-called Romanticists fell heir to all the past, Rationalism as well as Storm and Stress. They lived in a time permeated with the ideas of Kant as well as the ideals of the French Revolution. The Romanticists attempted the synthesis of this complex heritage, seeking to utilize what Lessing, Herder, Kant and Goethe had done. Their work is "resultant and complementary, not antipodal." "Classicism and Romanticism are organic parts of the same cultural, philosophical, and poetic development."

Early Romanticism and later Romanticism are very different, and yet the term Romanticism, as commonly applied, connotes the characteristics typical of later and less important Romanticists. The haziness of Tieck, for example, is not at all characteristic of the theory of the early Romanticists nor of the work of Kleist. The early Romanticists and Kleist believed in a firmness of form, and sought to add to the Classicism of Goethe and Schiller, elements which these poets had left out, but elements which existed in the models of antiquity. There was considerable mutual influence between Classicists and the Romanticists, especially these early Romanticists. Romantic traits may be found in Goethe at his most classic period, and classic traits in Novalis, the Schlegels, Hölderlin, and Kleist.

The development of Kleist's genius was belated and misplaced. He did not enjoy personal contact with the great minds in Weimar, a misfortune which was certainly due in part to Goethe's colossal failure to do him justice. He had no association with the early Romanticists and yet he best exemplified in poetry their theory that the highest literature was to combine ancient and modern elements. His literary views and practice, however, differ essentially from those of the later Romanticists, with some of whom he associated. He was in reality never a member of any school and was never claimed by any.

Some of the qualities emphasized more and more by the Romanticists are found in Kleist. Among these are an increasingly intimate relation to Christianity, an other-worldliness, a striving towards the infinite, Romantic irony, individualism, investigation of the laws of music as affecting poetry, and the inclusion of the Dionysian and the supernatural. In addition to these qualities we find in Kleist an approximate

realization in poetic form of the ideal synthesis of the early Romanticists, such as is not found in any of the works of the Romanticists themselves. This was the problem over which Kleist broke in his Guiskard. It was also the problem approximately worked out in Prins Friedrich von Homburg, the last drama of his incomplete life.

Professor Silz's book is all and more than it sets out to be: "corrective and suggestive," and an attempt "to point out certain significant relationships between a very complex individual and a very complex literary movement." It is a climactic but not final addition, we hope, to the author's already published Kleist studies. In the minor matter of style, it might be remarked that fluency is sometimes sacrificed by a rather heavy use of quotations.

F. E. WILSON.

MARSHAL NEY, BEFORE AND AFTER EXECUTION. By J. Edward Smoot. Charlotte, North Carolina: Queen City Printing Company, 1929. 460 pp.

There is a legend in North Carolina of long standing that in 1815 Marshal Nev escaped execution, the firing squad aiming above his head, and, leaving France in disguise, he finally took up his abode in North Carolina where he was known as Peter S. Ney. To support this legend, evidence has been accumulated, conclusive to some, inconclusive to others. In the present volume, Dr. J. Edward Smoot gives a summary of the evidence hitherto collected and adds new evidence which he himself has procured. Of particular importance is the testimony of Mrs. Victoria Arnold to the effect that her father, Pasqual Luciani, in company with Marshal Lefevre and Marshal Nev, made his escape from France in 1815. Of no less interest is the evidence that Nev's son, known as Neyman, became a physician in Indiana and was visited by his father, and that Dr. Neyman in 1876 visited the grave of Peter S. Ney in North Carolina. Confirming these bits of evidence is also the Masonic tradition, that the arrangement for the firing squad to fire high, and also the details of Nev's escape from France, were easily arranged because high officials, including the Duke of Wellington, were Masons (see Farrington, "Masonry's Work in Ireland," New England Craftsman, November, 1920).

So far, all the evidence regarding Ney's escape and residence in North Carolina is that given by persons other than Ney himself. However, Peter S. Ney left a manuscript diary in which the entries are in cipher. This diary, long lost, has, according to report, been found, and, though still in process of transcription, it is said to corroborate the testimony collected by Dr. J. Edward Smoot and his predecessors in the exploitation of the Ney legend.

WILLIAM K. BOYD.

THE SON OF APOLLO. By Frederick J. E. Woodbridge. Boston and New York: Houghton Mifflin Company, 1929. ix, 272 pp.

To review in the normal way of epitome and critical appraisal this newest interpretation of Plato by a lover of him, a lover who also intuits clearly and finds dear frailties to smile at, is like-to borrow a phrase from Hardy-catching June-morning scents in a clap-net of hempen material. "My Plato may not be yours, but yours, then, will certainly not be mine," says Mr. Woodbridge, And he is right in feeling the difference. Of course students have always said that Plato was an artist, and have puzzled over the paradox of so great a one condemning his own species in Republic 10. Mr. I. A. Stewart, for example, perhaps more than any other English commentator, has isolated and carved in relief the aesthetic parts of Plato. But Mr. Woodbridge, living in an age and country where dislike of seriousness and logic is almost a disease-Hegel's age of "the godlike geniality of irony"-has rendered shifting and shadowlike that other part of Plato that has always been taken for stable and rational. Under the banner of an interest in Plato that is not "archaeological" but human," not systematic but dramatic, he plays pleasantly with all Platonic scholarship, both biographical and philosophical. Never crude and never lacking in appreciation, he speaks of the admirableness of scholarship such as Taylor's or Burnet's. But his acknowledgement seems a little like the pleasant things urbane people say when they are nothing but urbane. As to scholarship on the "periods" of Platonic attitude and style, the canon, the life, the various theories of the state, love, education, etc., he is a self-confessed heretic. "In the face of Platonic scholarship it would be absurd to claim that I alone am free from bias, though I may impertinently insist that I have no monopoly of egotism. The swan dream quoted . . . from the Anonymous Life is as good a comment as was ever made on Platonic scholarship and, perhaps, the best 'interpretation' of Plato after all" (p. 257, note). The dream of the swan was this: that Plato, dving, became a swan which flew from tree to tree. All desired to catch it, but none could. This being Mr. Woodbridge's last word makes his bow to scholarship a little pickwickian.

But one lover of Plato at least would not condemn the book because of its bias. An artist on the subject of an artist is always interesting, and Mr. Woodbridge may well claim to be a man of letters. Plato, he says, is the playwright of the reason as Euripides is of the emotions. And so he builds up the setting and traces the plot of a number of the dialogues, grouping these around certain themes—the perfect city, education, love, death, Socrates. If the dissolving smile of Montaigne

shines a little too much, particularly in the case of the Republic, through the features of the broad-browed one, still this view of Plato catches the imagination of the reader as it did of the writer. He has the advantage also over other philosophical commentators of his free and apt use of cultural material from the time of Plato, and of the charming "authentic" drawings by his son.

KATHERINE GILBERT.

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